

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1853 of 2018

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Rambabu Singh, Son of Late Balmiki Singh, Resident of
Village- Mahendrapur, P.S.- Hathidah, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Forest & Environment Department, Govt.
of Bihar, Patna.
3. The District Magistrate, Munger.
4. The District Forest Officer, Munger, Sri Birendra Kumar
Daradh, Forest Area Range Officer, Jamalpur, Munger.
5. Sri Surendra Prasad, Forest Range Officer, Bharhara,
Munger.
6. Sri Abdul Sattar (Forester), Son of Late Shakh Ammas,
Resident of Mirjapur Baarad, P.O.- Dariyapur, P.S.-
Muffassil, District- Munger.
7. The Assistant Mining Officer (District Mining Officer)
Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar, Adv.

For the Respondent/s : Mr. Dhurjati Kumar Prasad (GP-14)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-08-2018 The vehicle/Truck of the petitioner, bearing
Registration No. B.R.-9D-2801, was seized in connection with
Complaint Case No. 7663 of 2006 for commission of Forest



offences.

A confiscation proceeding was initiated against the aforesaid vehicle and the competent authority passed the order, confiscating the vehicle in question. The challenge to the aforesaid order, passed in confiscation proceeding, could not succeed till the stage of revision. Thereafter, an attempt was made by the petitioner to have the vehicle restituted to him on the strength of the judgment of acquittal, but the aforesaid prayer also was disallowed by the learned Trial Court.

A perusal of the petition preferred before the Trial Court depicts otherwise. The prayer, referred to above, was made under Section 452 of the Code of Criminal Procedure, 1973 with the prayer for releasing the vehicle in question on the assumption that the same was lying in the police station premises.

The learned counsel for the State has informed this Court that after the revision against the order of confiscation was dismissed; the vehicle in question was auction-sold.

In that view of the matter, no fault could be found with the order passed by the learned Trial Court in refusing to allow the prayer of the petitioner for the vehicle in question to be released in his favour, which is not in



existence.

The petitioner, however, shall have the right to agitate before the concerned Court for restitution of the vehicle in question by way of cash compensation.

The learned counsel for the petitioner, therefore, seeks permission to withdraw the present petition, so as to enable him to approach the Trial Court for the needful.

Permission is granted.

As and when such an application shall be filed by the petitioner, the court below shall, after hearing, pass a reasoned order in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order. It is made clear that this Court has not expressed any opinion about the merits of the case and the court below shall decide the issue with an independent and open mind.

With the aforesaid observation, the writ petition is dismissed as withdrawn.

(Ashutosh Kumar, J)

Praveen-II/-

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