

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4248 of 2017

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Narendra Kumar Srivastava, S/o Paras Prasad, R/o Mohalla- Baridih, P.S.- Baridih,
District- Singhbhoom, Through- Power of Attorney Holder- Raj Kumar Singh, S/o
Vinod Singh, R/o Village- Bamhaur, P.S.- Sheosagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Area at Sasaram.
7. The Forestor, Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kr.Pd.-GP14

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-08-2018

Heard learned counsel for the petitioner and the
respondents.

2. The admitted case of the parties is that the petitioner's vehicle has been seized on allegation of being loaded with stone bolder illegally. The petitioner who claims to be owner of the vehicle has filed an application for provisional release of the same. The petitioner's application bearing Confiscation Case No. 65 of 2017 arising out of Sasaram (Model) P.S. Case No. 1362 of 2016 for release of the vehicle bearing no. JH-05AE-0801 is pending before



the authorized officer being D.F.O, Rohtas at Sasaram.

3. At the very outset counsel for the petitioner relies upon an order of the Division Bench of this Court dated 2.8.2018 passed in **LPA No. 981 of 2018 (Chandan Kumar Vs. The State of Bihar and others)** as well as the decision of this Court in the case of **Sitaram Singh & Anr Vs. The State of Bihar and Ors., in C.W.J.C. No. 18311 of 2015**. It is submitted that under similar circumstances, this Court had been pleased to direct the authorized officer to release the respective vehicle in favour of the petitioner within four weeks of the receipt/production of a copy of the order subject to the fulfillment of the following conditions:

“(a) The petitioner shall produce original papers supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.

(b) The petitioner shall file an undertaking in the form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings and shall produce the vehicle as and when required in the confiscation proceedings.

(c) The petitioner shall furnish such security as



deem fit and proper by the Divisional Forest Officer-
cum-Authorized Officer, Rohtas at Sasaram which shall
neither be in the form of cash nor bank guarantee.

(d) The release of the vehicle shall be governed by
the final outcome of the confiscation proceedings.”

4. The petitioner undertakes to abide by the said
conditions.

5. In view of such limited submission, this writ petition is
disposed off. Subject to fulfillment of the conditions noted
hereinabove the authorized officer within a period of four weeks from
the date of receipt/production of a copy of this order shall release the
vehicle in favour of petitioner.

6. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

