

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18510 of 2015

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Belal Ali Khan S/o Majid Khan, resident of village- Parmondarpur, P.S.- Baliya,
District- Baliya (Uttar Pradesh) Petitioner/s

Versus

1. The State of Bihar through District Magistrate (Appellate authority), Rohtas at Sasaram
 2. Authorised Office cum Divisional Forest Officer, Rohtas at Sasaram, District- Rohtas
 3. Deputy Forest Premises Officer, Sasaram, District Rohtas, at Sasaram
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent/s : Mr. Madhuresh Prasad- GP12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the petitioner and the respondents.

2. Petitioner has challenged the order dated 26.12.2014 passed in Appeal no. 02 of 2014 by the Collector, Rohtas at Sasaram and also seeks appropriate direction to release the truck bearing registration no. UP60L/0822 which has been confiscated for commission of offences under the Forest Act.

3. Counsel for the petitioner has relied upon in the case of **Smt. Renu Kumari vs. The State of Bihar & Ors.**, reported in **2001(1) PLJR 804**.

4. Counsel for the respondents have opposed the petitioner's writ petition referring to the findings of the Appellate Authority under the impugned order, it has rightly been submitted that



the order dated 26.12.2014 is a well considered and reasoned order.

5. The petitioner has submitted before the authority that he had a valid mineral transportation permit. From the order of the Collector under Appeal it is also evident that in the confiscation proceedings the petitioner/appellant had sought release of the truck and the loaded stone dust/chips in his favour. The petitioner, thus has claimed the stone dust/chips loaded on the trailer which was seized.

6. Defence has been raised that valid permit could not be produced at the time of seizure of the truck because the driver who was in possession of the permit was afraid that the permit would be torn/destroyed.

7. Claiming that the stone dust/chips were being transported on a valid challan/permit, the petitioner/appellant has sought release of the vehicle before the authorities. The said facts clearly distinguished the case of the petitioner from that which is relied upon by the petitioner in the case of **Smt. Renu Kumari** (supra). In the said case the truck owner had disowned the entire transaction. It was the clear case of the petitioner in the said decision relied upon by the petitioner that he had nothing to do with the goods being transported. The petitioner therein was bed ridden and there was a finding that the goods which had been seized were being transported without his consent/or for which he was in no way connected. That is not the case here. Before the authorities in fact the petitioner has



claimed release of the truck as well as the stone dust/chips loaded on the truck. The reliance placed on the decision in the case of **Smt. Renu Kumari** (supra) is therefore, misplaced.

8. Otherwise no procedural infirmity with reference to the process of seizure/confiscation has been canvassed by the counsel for the petitioner, the order of the Collector dated 26.12.2014 passed in Forest Appeal 02 of 2014 against the order of confiscation passed by the Divisional Forest Officer-cum-Authorized Officer in Confiscation Case No. 29 of 2013 is a well considered and reasoned order after going into the various issues raised by the petitioner. On the basis of sufficient material on record the Collector has rejected the appeal. No other grounds has been made out for interfering with the order.

9. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

