

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1243 of 2018

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Vinod Kumar Singh @ Binod Kumar Singh S/o Sudarshan Singh, R/o Vill.-
Gopi Bigha, P.S.- Dehri, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of Home, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Dehri On Sone.
4. The Sub-Divisional Police Officer, Dehri, District- Rohtas.
5. The Station House, Officer, Dehri (T) P.S., District- Rohtas.
6. The Authorized Officer-Cum-Divisional Forest Officer, Rohtas Forest Division, Sasaram, District- Rohtas.
7. The Forest Range Officer, Forest Range Tilauthu, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. Md.N.H. Khan (Sc-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-07-2018 Learned counsel for the petitioner has drawn the attention of this Court towards the order dated 24.07.2017 passed in Miscellaneous Case No.155 of 2017 from which it would appear that when the report was called for from the Forester earlier despite reminders sent to him he failed to submit his report, personal appearance of the forester was called for by the said order passed by the learned S.D.J.M., Dehri, District-Rohtas but he did not appear. Vide order dated 02.08.2017 the learned S.D.J.M. directed the S.H.O of the concerned police station to submit a clear report if the vehicle is required in connection with any



investigation.

Learned counsel has referred the order dated 25.08.2017 also passed in the said Miscellaneous Case wherein the learned S.D.J.M. has recorded on perusal of the record and after going through the report of the concerned police station that the vehicle in question has not been seized in connection with the F.I.R. Since the S.H.O of the concerned police station submitted a report that the vehicle has not been seized in connection with any F.I.R lodged with the police station, Miscellaneous Case No.155 of 2017 was held not maintainable and was disposed off, accordingly.

At this stage, when this Court called for a counter affidavit, the Deputy Superintendent of Police (Headquarter), Rohtas has filed a counter affidavit and in the said counter affidavit a stand has now been taken in Paragraph 12 that the Vanpal of Forest Department, Tilauthu, has submitted in his report dated 06.01.2018 that Truck No. JH-05Q-9662 is standing at Tar Bungalow More, Dehri (Rohtas) loaded with illegal stone chips and the truck has been seized by the Forest Department in connection with Forest Case No. 48/2017 on 22.04.2017. It appears from Paragraph 12 that at the relevant time of registration of F.I.R giving rise to Forest Case No. 48/2017 the vehicle number



has been mentioned as BR-01GA-4868. A plea has now been taken that later on it appears that the truck owner has fitted correct number plate bearing Registration No. JH-05Q-9662 to claim release of the said vehicle.

Be that as it may, it is evident from the pleadings available on the record that earlier the learned S.D.J.M. had called for a report from the Forester but despite repeated reminders he failed to submit his report or to appear before the learned S.D.J.M. No seizure list in connection with the vehicle in question has been submitted and, therefore, the vehicle has remained under open sky and losing its worthiness for last about more than one year.

The manner in which the matter has been dealt with, the stand taken by the respondents in the counter affidavit does not inspire confidence, however, at this stage, without going into the allegations and counter allegations which have been exchanged by the party before this Court, the Court would direct release of the vehicle in question on the petitioner furnishing two sureties (not in form of bank guarantee or cash) to the satisfaction of the Authorized Officer-cum-Divisional Forest Officer, Rohtas Forest Division, Sasaram, District-Rohtas (respondent no.6) subject to the following conditions:-

- (i) The petitioner shall also give an undertaking that



he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(ii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iii) Petitioner shall undertake not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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