

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.15 of 2018

In

Civil Writ Jurisdiction Case No.5339 of 2017

Ashok Kumar Singh, Son of Baliram Singh, Resident of Village - Gansadih,
P.O. Jaipur, P.S. Sasaram (M), District Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest & Environment, Patna.
2. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester, Tilauthu, Forest Range, Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Sarvesh Kumar Singh- AAG 13

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-03-2018

Identical Letters Patent Appeal in the matter of release of the vehicle has been disposed of on 21.02.2017 by a coordinate Bench of this Court in L.P.A. No.306 of 2017 wherein in Paragraph No.5, following conditions have been issued:

“In the meanwhile, we order that the vehicle in question (BR 26H-4109) be released provisionally to the satisfaction of the Authorized Officer-cum-Divisional Forest Officer, Rohtas at Sasaram on fulfilment of the following conditions:-



(i) The appellants shall furnish all the necessary papers/documents of ownership and security bonds (which will not include Bank Guarantee) as may be deemed fit and proper by the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

(ii) The appellants shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the confiscation proceeding and that the vehicles, in question, shall be produced as and when called upon or required in the confiscation proceeding or otherwise.”

Even though learned counsel appearing for the respondents indicates that in view of certain order of the Supreme Court, a Bank Guarantee should be furnished for release of the vehicle, we are of the considered view that in identical matter, this Court has already passed order and, therefore, parity should be maintained in the present appeal also.

We, therefore, dispose of the matter in terms of the order dated 21.02.2017 passed in L.P.A. No. 306 of 2017. The vehicle of the appellant (Truck) bearing Registration No.BR-



13B-4421G shall also be released in connection with Confiscation Proceeding arising out of Forest Case No.27 of 2017 to the satisfaction of the Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram on the conditions referred to hereinabove in Paragraph No. 5 of the order dated 21.02.2017 passed in L.P.A. No. 306 of 2017.

List after the decision of L.P.A. No. 1647 of 2015.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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