IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4117 of 2017

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Chandrashekhar Singh, S/o Vinod Singh, R/o village - Bamhaur, P.S. Sheosagar, District – Rohtas .... Petitioner

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 at Sasaram
6. The Range Officer Sasaram Forest Area at Sasaram.
7. The Forestor Tilauthu Cum Darigaon, Forest Circle District Rohtas

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Uma Shankar Singh, Advocate
For the Respondent/s : Mr. Anant Pd.Singh-SC15

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-08-2018 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 forest Confiscation Case No. 55/2017 arising out of Forest Case No.12 of 2017 for release of the vehicle bearing no. UP 67T/1522 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

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passed in **LPA No. 981 of 2018 (Chandan Kuamr Vs. The State of Bihar and others)** as well as the decision of this Court dated 16.9.2016 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- Authorised Officer, Rohtas at Sasaram which shall neither be in the form of cash nor bank guarantee.

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(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)

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