

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2487 of 2017

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Santosh Kumar Gupta, Son of Tarkeshwar Prasad, Resident of Village-
Pawna, P.S. Agiawan, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of Forest & Environment, Bihar, Patna.
2. The District Forest Officer, Rohtas at Sasaram.
3. The Forest Officer, Tilauthu, Forest Department, Rohtas.
4. The Officer-In- Charge, Dehri Nagar Thana, Dehri, Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Respondent/s : Mr. Sarvesh Kumar Singh (Aag-13)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4. 15-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing registration no. CG12C-2686 in favour of the petitioner in connection with Rohtas Forest Case No. 24/2017 for the offences under Sections 33, 41 and 42 of the Indian Forest Act, 1927 (Bihar Amendment, 1989).

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647 of 2015 and order dated 29.08.2017 passed in Cr.W.J.C. No. 1289 of 2017 by a co-ordinate Bench of this Court and submits that the petitioner is ready and willing to abide by



the terms and conditions which may be imposed by this Court. It is stated that 700 CFT. of stone chips were recovered from Truck in question.

Let the vehicle, if belongs to the petitioner, be released provisionally on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 20,00,000/- (twenty lakhs only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the learned Court below or the Collector cum District Magistrate, Rohtas, as the case may be.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the court below and/or the Collector-cum-District Magistrate, Rohtas, as and when directed.

(iii) A photograph of the vehicle shall be



taken and panchnama be also prepared, certified and be kept on record in accordance with law.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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