

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2665 of 2017

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Manoj Kumar Singh, Son of Mahendra Rai, resident of Village- Karhansi,
P.S.- Natwar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum- Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.
4. The Forest Range Officer, Darigaon Forest Region, Sasaram, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. Gajendra Prasad Yadav (Sc 17)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing Reg. No. JH-02L/2732 which has been seized by the police in connection with Forest Case No.57 of 2015 for the offence under Sections 33,41 and 42 of the Forest Act. It is alleged that the truck was carrying stone-chips.

Learned counsel for the petitioner relies upon a Division Bench order of this Court passed in L.P.A. No.1647 of 2015 and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

Let the vehicle of the petitioner be released



provisionally on production of proof of ownership and registration of the vehicle subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.20,00,000/- (twenty lacs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.

(ii) Petitioner shall furnish an undertaking not to alienate or encumber the vehicle or deal with it adverse to the interest of the State and produce it before the competent authority/court as and when required.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

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

The application stands disposed of.

Arvind/-

(Rajeev Ranjan Prasad, J)

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