

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2125 of 2018

Arising Out of PS. Case No.-66 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhabhua (Kaimur)

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Subhash Sharma, son of Late Motilal Sharma, Resident of A.G. Road, Kohima, Police Station+ District- Kohima- 797001 (Nagaland). Permanent Address, Resident of Mohalla- Idgah, Dehri-on- Sone, Police Station- Dehri, 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, Kaimur at Bhabua.
3. The Divisional Forest Officer-cum- Authorized Officer, Kaimur Forest Division, Bhabua, District- Kaimur.
4. The Forester, Mohania, District- Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Gajendra Prasad Yadav

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-09-2018 This application has been preferred seeking a direction to the Authorized Forest Officer-cum-Divisional Forest Officer, Kaimur, Forest Division, Bhabhua to release the truck bearing Registration No. NL01D 8061 in favour of the petitioner seized in connection with confiscation Case No. 35 of 2016 arising out of Forest Case No. 66 of 2016.

Learned counsel for the petitioner submits that, in fact, the petitioner has filed an application before the Authorized Officer seeking provisional release of the vehicle during pendency of the confiscation proceeding but the order has not



been passed thereon. Learned counsel submits that the vehicle is lying under open sky and with delay over the period its road worthiness is likely to be loosen and ultimately it may be of no use for purpose of compensating the State.

In the given facts and circumstances of the case, at this stage, this Court is disposing off this writ application with a direction to the Authorized Officer-cum-Divisional Forest Officer, Kaimur, Forest Division Bhabhua to consider the application of the petitioner seeking provisional release of the vehicle in question within a period of 30 days from the date of receipt/production of the copy of this order. In case, the provisional release application is not considered within a period of 30 days and the petitioner once again is compelled to move this Court the same will be viewed seriously by this Court as in these kind of matters where the application for provisional release is filed by the petitioner, the Divisional Forest Officer is obliged to consider the same within a reasonable time.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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