

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21917 of 2018

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Imran Ahmad, Son of Sagir Ahmad, Resident of House No. 6078, Hasanpur-
Amethi, P.S.- Korwar, District-Sultanpur U.P.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Divisional Forest Officer, Aurangabad Forest Division, Aurangabad.
3. The Police Inspector-cum-Station House Officer, Arwal, District-Arwal.
4. The Forest Range Officer, Arwal, District-Arwal.
5. The Forester, Arwa, District-Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate.
For the State : Mr. Dhurjati Kumar Prasad -GP-14

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 11-02-2019

1. Heard Mr. Vinay Mistry, counsel for the petitioner,
Special P.P. Mines and Mr. Dhurjati Kumar Prasad, G.P.-14.

2. Counsel for the petitioner submits that his truck has
been seized which was found loaded with Mango wood. The
confiscation proceeding has not been initiated by Divisional Forest
Officer, Aurangabad Forest Division, in this matter.

3. Counsel for the petitioner submits that seizure of mango
wood is illegal and unjustified because no transit permit is required for
carrying mango wood within State of Bihar. He further submits that
pursuant to Memo No.2125 dated 18.9.2018 a preliminary enquiry
report was submitted by the Forester, Arwal, to the Chief Judicial
Magistrate, Arwal, on 19.9.2018 and accordingly, Forest Case No. 1 of



2018 was registered in violation of the provisions of Sections 41, 42 and 76 of the Indian Forest Act, 1927 and Rules 1973.

4. Learned Special P.P. (Mines) has raised preliminary objection that since no confiscation proceeding has been initiated till date according to the averment of the petitioner, the instant writ petition will not be maintainable. He submits that alternative remedy is available to the petitioner to file necessary petition before the learned Magistrate for release of vehicle in question in terms of Section 451 Cr. P.C.

5. In such circumstances, this Court directs the petitioner to file necessary petition before the learned Magistrate for release of his vehicle in terms of Section 451 Cr. P.C. which will be considered by the court in accordance with law. The learned Magistrate will dispose off the same expeditiously, preferably within a period of three months from the date of filing of such petition by petitioner.

6. This writ petition is accordingly disposed off with aforesaid observation.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18/02/2019
Transmission Date	

