

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4002 of 2019

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Banarasi Gupta @ Banarasi Sah

... .. Petitioner/s

Versus

The State of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Kiran Kumari Sharma

For the Respondent/s : Mr.Dhurjati Kumar Prasad (Gp14)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-03-2019 Heard the learned counsel for the petitioner.

The petitioner seeks relief from this Court to release the seized vehicle in connection with Forest Case No. 63/2014, registered under Sections 33, 41 and 42 of the Indian Forest Act, 1927 (Bihar Amendment Act 1989) and Section 2(ii) of Forest Conservation Act, 1980.

Learned counsel for the petitioner has submitted that petitioner is the owner of seized truck bearing registration no. BR 24 7775, on which chips were loaded, which was purchased by Gupta Traders.

Learned counsel for the petitioner has submitted that no confiscation case is pending before the Collector-cum-District Magistrate, Rohtas. The vehicle of the petitioner is lying in police station and is getting damaged.

In such circumstances, since no confiscation



proceeding has been started and the case is pending before the Chief Judicial Magistrate, Rohtas at Sasaram under the Forest Act, petitioner is directed to file appropriate petition to release his vehicle under Section 451 Cr.P.C.

Learned Magistrate will pass appropriate order on the aforesaid petition within a period of three months from the date of filing of aforesaid petition taking into consideration that continuous lying of the vehicle in police station shall cause damage to the vehicle.

This writ petition is accordingly disposed off.

(Sanjay Priya, J)

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