

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5723 of 2019

Indrasen Mahto, Son of Basudev Mahto, Resident of Village- Parsanda, P.S.-
Subhdra Gaunaha, District-West Champaran, Bettiah

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, State of Bihar, Patna
2. The Addl. Secretary, Forest Department, Government of Bihar, Patna
3. The District Magistrate, West Champaran at Bettiah
4. The Forest Officer, Thodi Forest Area, Division-1, Bettiah, West Champaran
5. The Officer In-Charge, Subhdra Gaunaha Poice Station Bettiah, West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.
For the Respondent/s : Mr. Tej Pratap Singh, A.C. to AAG-13.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 26-03-2019

1. This writ petition has been filed for necessary direction to release Tractor bearing registration No.BR-22F-5428 and Trailer bearing registration No. BR22G-4106 attached to the tractor of the petitioner which has been seized by the Respondent No. 4 i.e. Forest Officer, Thodi Forest Area, in Forest Case No. 01 of 2019 registered for the offence under Sections 33, 41 and 42 of Indian Forest Act, 1927 (Bihar Amendment, 1990) and Sections 2, 27 and 29 of Wildlife (Protection) Act, 1972 in favour of the petitioner and handing it over to the petitioner or to his representative.



2. The case is pending before the learned Chief Judicial Magistrate, West Champaran at Bettiah. The vehicle of the petitioner is lying in Mugraha Forest Area office premises.

3. Heard Mr. Bimlesh Kumar Pandey, counsel for the petitioner and Mr. Tej Pratap Singh, A.C. to AAG-13 counsel appearing on behalf of the State.

4. Counsel for the State submits that no confiscation proceeding has been initiated with regard to the aforesaid vehicles. He further submits that alternative remedy is available to the petitioner to release the vehicles in question under the provisions of Criminal Procedure Code from the court of learned Chief Judicial Magistrate, Bettiah, West Champaran.

5. Petitioner has mentioned in paragraphs 9 and 15 of the writ petition that no confiscation proceeding has been initiated with regard to the aforesaid seized tractor/trailer.

6. In such circumstances, the petitioner is directed to file necessary application in the court of learned Chief Judicial Magistrate, West Champaran at Bettiah for release of Tractor/trailer in question within a period of one month from the date of this order under provisions of Section 451 of Cr. P.C.

7. The learned Chief Judicial Magistrate, West Champaran, Bettiah, will pass appropriate order in accordance



with law within a period of two months from the date of filing of such petition by the petitioner. The learned Magistrate will consider the fact while passing the order that keeping the seized vehicle in question will only amount to damage of same and no valid purpose would be served.

8. With this observation, this writ petition is disposed off.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03/04/2019
Transmission Date	

