

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9069 of 2016

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Anup Kumar Gupta son of Kanhaiya Prasad, resident of Mohalla- East
Mohan Bigha Dehri-On-Sone, Police Station- Dehri-On-Sone, District-
Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Divisional Forest Officer- cum-Authorised Officer, Rohtas forest Division, Rohtas.
3. The Forester Tilauthu Range, Rohtas Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the State : Md. Obaidullah, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 01-07-2019

The instant writ application has been filed for quashing the initiation of confiscation proceeding against the petitioner's vehicle (Truck) bearing Registration Nos. HR38K-2337, Chasis no.406021EYZ118675 and Engine No. 40E62335616 which has been seized under the provisions of the Forest Act.

None appears on behalf of the petitioner. Learned counsel for the State is present.

From the averments made in para 1 of the writ petition, it appears that prayer has been made by the petitioner that his vehicle in- question has been seized by the Forester from outside the forest area and, therefore, confiscation case



no. 100 of 2016 is not maintainable against the petitioner as he has not violated any provisions of the Forest Act. The article loaded on the vehicle was on the basis of valid challan.

Learned counsel for the State submits that petitioner may appear before the Confiscating Authority and make all such plea before the Authority.

This writ application is, accordingly, disposed off with direction to petitioner to appear before Confiscating authority and put his defence by submitting relevant documents. The confiscating Authority shall pass appropriate order in accordance with law within a period of two months from filing such defence by the petitioner.

The writ petition is, accordingly disposed with direction made above.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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