

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6181 of 2019

=====

Tahir Miyan Son of Vikram Miyan Resident of Village- Chainpura, P.S.-
Adhaura, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Forest,
Govt. of Bihar, Patna.
2. The Divisional Forest Officer cum Authorized Officer, Kaimur at Bhabua.
3. The Forest Range Officer, Adhaura, Kaimur at Bhabua.
4. The Forest Guard, Adhaura, Kaimur at Bhabua.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Parwej Khan
For the Respondent/s : Mr. Tej Pratap Singh, AC to AAG- 13)

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 28-05-2019

Heard the learned counsel for the petitioner and the
State.

The instant writ petition has been filed for issuance of
any appropriate writ(s)/order(s)/direction(s) to release the
vehicle [Tractor (Mahindra D.I. 265) along with trailer] bearing
registration no. BR 45G 5106 and BR 45G 5107 respectively,
belonging to petitioner, which has been seized in Forest Case
No. 25 of 2017 (Criminal Report No. 2(P)/2017) on 31.05.2017
by the Forest Guard, Adhaura, Kaimur at Bhabhua (Respondent
No. 4) under Forest Act.

Learned counsel for the petitioner has submitted that



the aforesaid tractor and trailer of the petitioner have been seized by the Forest Guard, Adhaura under Forest Act in the district of Kaimur at Bhabhua and is lying in the campus of Forest Department. No order for confiscation of vehicle has been passed till date.

Counter Affidavit has been filed by the Forest Department wherein it is mentioned in para 15 that Confiscation Case No. 18 of 2017 has been registered and verdict in confiscation case is likely to be delivered shortly.

Allegation against this petitioner is that he was carrying forest produce on the aforesaid vehicle.

As per seizure-list aforesaid tractor was loaded with stone metal. There is no any mention that aforesaid article was seized from the forest area.

It is mentioned in the Counter Affidavit that although vehicle of the petitioner has been seized but no order has been passed for confiscation of the same till date.

Therefore, Respondent no. 3 is directed to release the tractor and trailer of the petitioner within a period of two weeks from the date of receipt/production of this order after proper verification of relevant documents with respect to ownership of vehicle produced by the petitioner.



The petitioner will file affidavit that he will produce the vehicle as and when required by the confiscating authority and also before trial court as and when required and he will not dispose off the same till final disposal of case.

The instant writ petition is accordingly allowed.

(Sanjay Priya, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	29.05.2019
Transmission Date	

