

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11567 of 2019

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Surendra Kumar Paswan, son of Late Sukar Paswan, R/o Village- Lewa,
Adhoura, P.S. Adhoura, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of the Forest Department, State of Bihar, Patna.
2. The Collector cum District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. Forest Rangier, Forest Division, Kaimur at Bhabua.
5. Forest Guard of Chainpur Forest Sub- Division, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. Prabhat Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 19-06-2019

Heard.

Counsel for the petitioner submits that he is the rightful owner of the seized motorcycle bearing registration No. BR 45 D 0711. He was not present at the spot. His motorcycle has been seized by the police illegally merely on suspicion. There is no recovery of any incriminating article from his possession. The seizure list does not bear his signature. The Forest Department has not initiated any confiscation proceeding. The vehicle is lying in open sky getting damaged every day.

Counsel for the State submits that vehicle of the petitioner was used for illegally carrying of *Kendu* leaves. Counsel for the petitioner submits that the accused persons as named in the complaint have already been granted bail by the Court below.



This Court is of the view that the vehicle will get damaged if the same is kept in open sky. The petitioner was not caught at the spot. There is no signature of the petitioner on the seizure list. It is alleged that 25 Kg. *Jhal Kendu* leaves was recovered from the motorcycle of the petitioner.

In view of such, respondent No.4 is directed to release motorcycle bearing registration No. BR 45 D 0711 in favour of the petitioner within one week from the date of receipt/production of a copy of this order on proper verification of the paper(s) with regard to ownership of the vehicle subject to condition that petitioner will not transfer the vehicle or alienate the same during pendency of the case and will produce the same as and when required by the Court.

The petitioner will file necessary Affidavit also in this regard before the authority concerned that he will not transfer the ownership of the vehicle or alienate the same during pendency of the case and produce the same as and when required by the Court.

This writ application is, accordingly, **allowed**.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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