

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16231 of 2016

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Rakesh Kumar, S/o - Late Sri Bhagwan Singh, Resident of Village -
Bilashpur, P.S. - Karagahar, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Forest and Environment Department,
Govt. of Bihar, Patna.
2. The Secretary, Forest and Environment Govt. of Bihar, Patna.
3. District Magistrate, Rohtas at Sasaram.
4. The Divisional Forest Officer Cum Authorised Officer, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Advocate.
For the Respondent/s	:	Mr. Chitranjan Sinha, Sr. Advocate, PAAG2
		Ms. Ratna Kumari, A.C. to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 15-05-2019

1. This writ application has been filed for issuance of direction to Respondent No. 4 to release the vehicle bearing Registration No. BR24G-3387 which has been confiscated in Confiscation Case No. 29 of 2013(F) with respect to Forest Case No. 15 of 2013. Petitioner has filed Appeal and Revision against the aforesaid order before Respondent Nos. 2 vide Forest Appeal No. 90 of 2013 and Revision Case No. 9 of 2015 which were rejected by order dated 26.12.2016 and 11.12.2015 respectively. The Forest Case No. 15 of 2013(F) was initiated on 10.4.2013, but till date the criminal proceeding has not been finalized and the authorities concerned are sitting tight over the matter.



Heard Mr. Uma Shankar Singh, learned counsel for the petitioner and Mr. Chittranjan Sinha, Sr. Advocate, PAAG-2, for the State.

In the instant case, the petitioner has submitted that Challan was produced before the Confiscating authority, but the same was torn and the vehicle was illegally confiscated.

Ms. Ratna Kumari, counsel appearing on behalf of the State submits that there is no evidence that the Challan was produced and the same was torn. She further submits that vehicle was found going on different route loaded with boulders and stone chips without any valid paper.

In such circumstances, this Court is of the view that such disputed question of facts can properly be adjudicated by the court below in the pending Forest Case No. 15 of 2013. This Court at this stage is not inclined to pass any order for release of the vehicle in question.

This Court however directs the court below to dispose of the Forest Case No. 15 of 2013 within a period of six months from the date of receipt/production of copy of this order. The Forest Department will extend all cooperation in disposal of the Forest Case No. 15 of 2013 within aforesaid period because the vehicle of



the petitioner after confiscation is lying in open sky causing damage to the vehicle.

In the event the Criminal Case is not disposed off within aforesaid period, the petitioner will be at liberty to move this Court for release of the vehicle which was confiscated by the authority concerned.

This writ petition is accordingly disposed off.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
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