

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14217 of 2019

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Santosh Kumar, S/o Jagan Singh, resident of village- Shankarpur, P.S.-
Indrapuri, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna
2. The District Magistrate-cum-Collector Rohtas at Sasaram
3. The Divisional Forest Officer-cum-Authorized Officer Rohtas, Forest Division, Rohtas at Sasaram
4. The Forest Tilauthu, Rohtas at Sasaram

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad
For the Respondent/s : Mr. Anant Prasad Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 16-07-2019

Heard Sri Babu Nandan Prasad, counsel for the petitioner
and Sri Anant Pd. Singh, SC-15, for the State.

Counsel for the petitioner submits that trucks, in question,
bearing registration No. BR 24 G 1486 and JH 02L 2595 have not
been seized from the forest area. At the time of seizure of vehicles,
seizure list was prepared from which it will appear that seizure of
the vehicles was made from the Old GT Road, Gopi Bigha, Dehri,
Sasaram, which was out of protected forest area. Trucks were
loaded with stone-chips from the business premises of Sona Stone-
chips, Karmakala, Chattarpur, on 22.04.2017 at 1.31 PM. On that
basis, transit Challan for the aforesaid articles to be unloaded at



Dehri, Sasaram, was issued for building construction purpose.

Xerox copy of the aforesaid Challan is enclosed as Annexure-2.

Petitioner is real owner of the vehicles. Xerox copy of the Owner Books have been enclosed as Annexure-3 and 3/1.

The confiscating authority by order dated 10.02.2018 passed in Forest Confiscation Case No.117 of 2017 has confiscated the aforesaid trucks of the petitioner on wrong presumption that it was found loaded with forest products.

It has been submitted that petitioner has filed appeal against the aforesaid order of the confiscating authority vide Forest Appeal No.01 of 2019, which is still pending before the Respondent No.2. The vehicles of the petitioner are lying under open sky and getting damaged since 22.04.2017.

From the submission of the petitioner, it appears that vehicles were seized from the GT Road and not from the protected forest area. It further appears that appeal against the order of confiscating authority has been filed on 15.11.2018, but still the same is pending before Respondent No.2 i.e. the Collector, Rohtas, and no final order has been passed.

In view of such, Respondent No.3 is directed to release the aforesaid vehicles i.e. BR 24 G 1486 and JH 02L 2595 in favour of the petitioner on proper verification of the papers with regard to



ownership subject to condition that petitioner will not transfer the ownership of the vehicles or alienate the same during the pendency of confiscation proceeding as well as criminal case in the Court below. The petitioner shall produce the vehicle in Court or before the authority as and when required.

This writ application is, accordingly, allowed.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	24.07.2019
Transmission Date	N/A

