

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15092 of 2019**

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M/S Rajan Construction through its partner, Mamta Singh, Female, aged about 38 years, W/o Rajan Singh, R/o Block More, Old GT Road, Mohalla-Jay Prakash Nagar, P.O. and P.S.-Aurangabad, District-Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment and Forest, Bihar, Patna.
2. The Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna.
3. The Chief Forest Conservator of Forest Bihar, Patna
4. The District Magistrate Rohtas, Sasaram
5. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram
6. The District Forest Officer Rohtas, Sasaram

... .. Respondent/s

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**Appearance :**

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|----------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Alok Ranjan, Advocate.                                           |
| For the State        | : | Mr. Raghwanand, G.A.-11,<br>Mr. Sanjay Kumar Tiwari, A.C. to G.A.-11 |

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL JUDGMENT**

**Date : 25-07-2019**

Heard Mr. Alok Ranjan, learned counsel for the petitioner, and Mr. Raghwanand, G.A.-11 counsel appearing on behalf of the State.

This writ application has been filed for issuance of direction to Respondent No. 6 (The District Forest Officer, Rohtas, Sasaram) to release the Truck (Dumper) of the petitioner bearing registration No. BR-26C-5464 which was seized in connection with Crime Report No. 6526 of 2019 dated 30.3.2019 (Forest Case



No. 14 of 2019) for the offences under Sections 33, 41, 42 of Indian Forest Act 1927 (Bihar Amendment 1989).

Counsel for the petitioner submits that petitioner is partner of M/s. Raja Construction. The truck bearing registration No.BR-26C-5464 is registered in the name of the construction company, which is engaged in construction of road. The vehicle of the petitioner was purchased by the company for construction work mainly for carrying raw (metal) materials to the working site. The aforesaid vehicle has been seized on 30.03.2019 by the Forester near Panduka Gram, which is a public road. He further submits that on suspicion of being involved in illegal mining operation under protected Forest area, it was seized and taken to Chutia Police Station. Thereafter, Crime Report No. 6526 dated 30.3.2019 was instituted and Forest Case No. 14 of 2019 was registered.

Counsel for the petitioner submits that petitioner was in possession of valid Challan of Metal in question which was issued after purchase from M/s. Shri Govind Construction, Madwa, Pipra, Palamu, and the same was dumped at the temporary office at construction site (Akbarpur-Yadunathpur Road) and from there it was carried for construction and repairing of road as per requirement. The aforesaid fact was brought to the



notice of the Forester concerned, but the same was not appreciated and in a very illegal, arbitrary manner, the vehicle of the petitioner was seized for no reason whatsoever. The allegation has been levelled that it was engaged in illegal mining. The vehicle in question was engaged in the construction work of the road from Akbarpur-Yadunathpur Road, which has been granted by the Road Construction Department, Government of Bihar, Patna.

Counsel for the petitioner submits that in similar matter the Hon'ble High Court has been pleased to release tractor/trailer by Judgment dated 19.6.2019 passed in CWJC 11634 of 2019. He submits that the vehicle of the petitioner is lying in the open sky since 30.3.2019 and no confiscating proceeding has been initiated till date.

From Annexure-2 series, this Court finds that petitioner was having valid challan. He produced the relevant paper with respect to the metal loaded on the aforesaid truck (Dumper), but the confiscating authority without looking into the genuineness of Challan seized the truck of the petitioner. In such circumstances, the seizure of the truck of the petitioner by the Forester was not legal.

Therefore, the Respondent No. 6 i.e. the District Forest Officer, Rohtas, Sasaram is directed to release the truck of



the petitioner bearing registration No.BR-26C-5464 within a period of one week from the date of receipt of this order after proper verification of the paper with regard to ownership of the truck. The petitioner will file affidavit that he will produce the vehicle in question as and when required by the trial court in pending Forest Case or Confiscation Proceeding and shall not dispose of the vehicle till disposal of these cases.

This writ application is accordingly allowed.

**(Sanjay Priya, J)**

S.Ali/-

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