

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16521 of 2019

1. Imamul Hoda Khan Son of Sibagtulah Khan, resident of House No. 76A, Buxidih Road, Near Petrol Pump, Police Station- Giridih, District- Giridih (Jharkhand).
2. Kamran Ali Khan, Son of Imamul Hoda Khan resident of House No. 76A, Buxidih Road, Near Petrol Pump, Police Station- Giridih, District- Giridih (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The Authorized Officer-cum-Divisional Forest Officer, Jamui Forest Division, Jamui.
5. The Forest Range Officer, Chakai, Jamui.
6. The Forester, Chakai, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Asit Kumar Jha
For the Respondent/s : Mr. Shalini Raut AC to SC-17

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 14-08-2019

Heard learned counsel for the petitioners and the State.

This writ application has been filed for issuance of an appropriate writ/writs, order/orders, direction/directions to the respondent no.4 (the Authorized officer-cum Divisional Forest Officer Jamui Forest Division Jamui) to release the trucks bearing Registration no. JH11P/4414, JH11Q/5355 and JH11Y/4985 seized in connection with confiscation case no. 2/2019 arising out of Forest Case no. 4C2/2019 for the offence



under Sections 26,41 and 42 of the Indian Forest Act 1927 (Bihar Amendment Act, 1989).

Learned counsel for the petitioners has submitted that Trucks Registration nos. JH11P/4414, JH11Q/5355 and JH11Y/4985 loaded with quartz stone were seized by the Forest officials, Jamui alleging violation of Sections 26, 41 and 42 of the Indian Forest Act. Petitioners were issued notice by the Divisional Forest Officer, Jamui Forest Division, Jamui to file show cause. The driver of vehicle produced all the relevant papers including the valid tax invoice of all the three tractors to forest official team but for extraneous consideration the same was not considered by the authority. The enquiry team was constituted to explain whether there is any violation of Sections 26,41 and 42 of the Indian Forest Act. The respondent no.5 (the Forest Range officer, Chakai) submitted the report dated 11.3.2019 holding that it appears from the finding of enquiry team and statement of villagers that the maximum stone loaded in the trucks are from the outside of the Forest Area. But, merely on suspicion recorded the finding of loss of revenue of Rs. 6,00,000/-.The aforesaid report has been annexed as Annexure-6 to the writ petition. The petitioner appeared before authority with all relevant papers and requested release



of the vehicle. The vehicle of petitioner was seized on 9.1.2019, but till date the confiscation proceeding has not been concluded. The vehicle is lying in open sky and getting damaged..

In such circumstances this court directs the respondent no.4 (the Authorized officer cum Divisional Forest Officer) to pass final order with regard to release of the vehicles of the petitioners, within a period of one month from the date of receipt of a copy of this order after looking into the documents filed by the petitioners and also the report submitted by the joint enquiry team constituted to ascertain as to whether there is any violation of sections 26, 41 and 42 of the Indian Forest Act as contained in Annexure-6.

The writ application is accordingly disposed of with direction made above.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.8.2019
Transmission Date	

