

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16415 of 2019

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Santosh Kumar Son of Rajeshwar Prasad Resident of Village-Piprahi, Police
Station-Barachatti, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department,
Government of Bihar, Patna
2. The District Magistrate-cum-Collector Gaya
3. The Superintendent of Police Gaya
4. Forest Campus Officer Bhalua (Barachatti), Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar
For the Respondent/s : Mr.Chitranjan Sinha (Paag2)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 13-08-2019

Heard learned counsel for petitioner and AC to PAAG-2.

The petitioner has prayed for issuance of an appropriate writ in nature of Mandamus or any other writ/writs, order/orders, commanding the respondents to release the Mahindra Tractor of the petitioner bearing Chassis no. NYNB00536 which has been seized in connection with Forest P.S. case no. 34 of 2019 dated 3.4.2019 under Sections 33(1)(a) 33(1)(b), 33(1)(d) of the Indian Forest Act, 1989 and Sections 35,48 and 30 of the Wild Life Protection Act.

Learned counsel for the petitioner has submitted that one of the tractor of this petitioner has already been ordered to be released by this Court vide order dated 9.8. 2019 passed in



CWJC No. 16286 of 2019.

Learned counsel for petitioner submits that informant Vishwas Bhajan, Officer Forest Department in his written complaint has alleged that around 4.30 AM on 2.4.2019 he got confidential information that two tractors were loading sand in Sabalpur. The informant with his senior officers reached at the spot and saw two tractors loaded with sand were ready to move. Thereafter he arrested the driver and seized the tractor. The others managed to run away. The driver disclosed on enquiry that Pintu Kumar and Santosh Kumar Yadav managed to run away who were tractor drivers too. No document was found in the tractor. The trailer loaded with 100 CF sand was seized and seizure list was prepared .

Learned counsel for petitioner submits that petitioner is owner of aforesaid seized tractor bearing Registration number BR 25G 4618 having Engine Number NYNB00536 and Chasis no. NYNB00536. The tractor is lying in the open sky. He has already complied the court's order dated 30.4.2019 passed by ADJ-III whereby he was directed to deposit penalty amount with late fine in the concerned department for the illegal trade of sand. The confiscation proceeding has been initiated, which is still pending before respondent no.4.



In such circumstances petitioner's tractor is lying uncared in the open sky. He has already deposited the penalty amount with late fine in the concerned department as ordered by ADJ-III vide order dated 30.4.2019. Therefore, Forest Campus Officer, Bhalua (Barachatti) Gaya (respondent no.4) is directed to release the tractor of the petitioner bearing Registration number BR 25G 4618 having Engine Number NYNB00536 and Chassis no. NYNB00536 within a period of 15 days from the date of receipt/production of copy of this order after proper verification of the paper relating to ownership. The petitioner will file affidavit that he will not dispose of the vehicle during pendency of the criminal case and will produce the vehicle as and when required by the criminal Court.

The writ application is allowed.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	18.8.2019
Transmission Date	

