

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22556 of 2018

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Mohiuddin @ Mohiuddin Idrisi Son of Abdul Razzaq, Resident of Villlage-
Amri, Ward No. 11, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Forest and Environment, Patna, Bihar
2. The Divisional Forest Officer-cum-Authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester, Chaudhad, Reserved Forest, Dhankadha, Sasaram. null null

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari
For the Respondent/s : Mr.Awanish Nandan Sinha -Gp21

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 26-08-2019

Heard the learned counsel for petitioner and the State.

The instant writ petition has been filed for issuance of direction to the respondent authority specially respondent nos. 2 and 3 to release Mahindra Tractor MAM265DI bearing Registration No. BR 24GA 0359, Chasis No. RENW04020 in favour of petitioner which was seized in connection with Forest Case No. 06/2018 registered under Sections 33, 41 and 45 of the Indian Forest Act (Bihar Amendment 1989).

It is alleged that on 28.02.2018 during patrolling duty complainant received information and reached at the place of occurrence with other police officers and found illegal transporting



of stones from the reserved forest area by the vehicle of petitioner. It is alleged that the loaded stone chips appeared to be stones of Dhankarha Reserve Forest Area. Thereafter complaint was lodged on 28.02.2018.

Learned counsel for petitioner has submitted that petitioner is bonafide owner of Mahindra Tractor, which has been seized by the complainant. Mere suspicion has been raised against this petitioner. He was not involved in the alleged offence.

Learned counsel for the State has submitted that in terms of Provisions of Section 52(5) of the Indian Forest Act, the owner and driver of the seized vehicle is required to prove that the vehicle was used without his knowledge.

It is to be proved that both the owner and driver of the seized vehicle have taken all reasonable and necessary precautions against the misuse of vehicle in the commission of any forest offence.

It is further submitted that confiscation proceeding has already been initiated against the seized vehicle of petitioner by the court of Authorized Officer-cum-Divisional Forest Officer, Rohtas Forest Division, Sasaram.

As per Section 52(4)(b) and (c) of the Act, notices were issued to the petitioner and other accused persons to submit reply.



In such circumstances, this Court is not inclined to pass any order for release of vehicle of petitioner at this stage.

Petitioner is directed to file show cause in the confiscation proceeding within a period of one month from the date of passing of this order.

The confiscating officer will pass final order in confiscation proceeding in accordance with law within a period of two months from the date of filing of show cause by the petitioner.

In the event no final order is passed within aforesaid period, the confiscating officer shall release the vehicle of petitioner on production of valid paper in support of ownership of vehicle and filing affidavit that petitioner shall produce the vehicle as and when required by the court.

The instant writ petition is accordingly disposed off.

(Sanjay Priya, J)

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CAV DATE	N.A.
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Transmission Date	

