

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.412 of 2018

In

Civil Writ Jurisdiction Case No.9091 of 2017

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Harendra Kumar Singh @ Harendra Singh son of Sri Ramashish Singh
resident of village - Tilai, P.S. - Sanjhauli, District - Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar through the Director/Secretary Department of Bihar and Geology, Government of Bihar, Patna.
2. The Principal Secretary, Department of Forest and Environment of Bihar, Patna.
3. The Divisional Forest Officer, Rohtas at Sasaram.
4. The District Forest Officer, Rohtas at Sasaram.
5. The Station Head Officer, Dehri Town P.S., District - Rohtas at Sasaram.
6. The Collector, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh, Advocate
Mr. Virendra Kumar Ray, Advocate
For the Respondent/s : Mr. Sarvesh Kr. Singh, A.A.G. 13
Mr. Shakib Ayaz, A.C. to A.A.G. 13

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-01-2019

I.A. No. 2481 of 2018

Having heard learned Counsel for the parties, we are
satisfied that the delay has been sufficiently explained. The delay
condonation application is allowed. The appeal shall be treated
to be within time.



L.P.A. No. 412 of 2018

Heard Shri Aditya Narayan Singh, learned counsel for the appellant, and Sarvesh Kumar Singh for the State of Bihar.

The appeal has been filed questioning the judgement dated 24th November, 2017, whereby an opportunity has been given to the appellant to approach the appellate authority with a direction to the appellate authority to consider the prayer of the appellant-petitioner for provisional release of their respective vehicles in Confiscation Appeal No. 64 of 2017.

Learned counsel for the appellant contends that, as a matter of fact, the order should have been passed on the same terms as in L.P.A. No. 333 of 2017, decided on 22nd February, 2017. It is urged that the vehicle of the appellant is subjected to unnecessary detention which could have been released in terms of the provisions applicable to the controversy far back but the matter has been delayed by the appellate authority and no orders have been passed till date.

Having considered the submissions raised, we find that in fact the appellants could have filed contempt applications in case the directions of learned Single Judge were not being complied with, but if the fact that the appellate authority has not proceeded to comply with the directions of this Court is correct,



then in that event, the appellate authority is directed to comply with the judgement of the learned Single Judge forthwith and in the event such compliance is not made, it will be open to the appellant to file a contempt application thereafter. It is expected that the appellate authority shall take notice of the judgement in L.P.A. No. 333 of 2017 (Saroj Kumar Gupta Vs. The State of Bihar & Ors.) and of the Full Bench in the case of Baleshwar Vs. State of Bihar & Ors., in L.P.A. No. 1647 of 2015, decided on 1st of November, 2018 as well that has been placed by learned counsel for the State of Bihar, while passing appropriate order. The appellant shall produce a certified copy of this order before the appellate authority who shall, accordingly, pass an appropriate order.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
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