

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21290 of 2019

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Anil Yadav @ Anil Kumar Yadav, Son of Chandrama Singh, R/o Village-
Gopibigha, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department,
Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer Cum Divisional Forest Officer, Rohtas, Sasaram.
5. The Range Officer, Sasaram Forest Area at Sasaram.
6. The Forestor Tirlauthu, Forest Circle, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate
For the Respondent/s : Mr.Raghwanand (G.A.-11)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and the

learned counsel for the State.

The petitioner seeks release of the vehicle bearing
Registration No.BR24G/6005 and for quashing the confiscation
arising out of Dehri Forest Case No.37/2009 pending before
Respondent No.4.

Learned counsel for the petitioner submits that an
application for release of vehicles has been filed before the
Divisional Forest Officer, Rohtas, Sasaram, but the same has
been kept pending for long period, as a result of which the
vehicles in question are languishing and have been subjected to



wear and tear. Learned counsel for the petitioner thus submits that pending disposal of the confiscation case, the vehicles in question, as referred to herein above, may be released, subject to the verification of ownership and on furnishing securities.

Learned counsel for the petitioner submits that in many such cases where the confiscation proceeding is pending, this Court has directed for release of the vehicle subject to the verification of the ownership of the concerned vehicle and on furnishing securities of commensurate value of the vehicle. Learned counsel for the petitioner submits that as has been done in other similarly situated cases, the petitioner's vehicle may be released provisionally, subject to the decision in the confiscation case.

Learned counsel for the State, however, submits that the petitioner's case is premature as he has come to the Court during the pendency of the confiscation case and also his application for release of the vehicles. He thus submits that the petitioner may approach the appropriate authority for passing of an appropriate orders as prayed for herein.

Considering the entire facts and circumstances of the case and that the vehicles in question were seized on 30.08.2019, let the petitioner approach the appropriate authority



with a copy of this order and the documents regarding ownership of the vehicles. In case the petitioner appears before the appropriate authority, the vehicles in question shall be released provisionally on production of proof of ownership and registration of the vehicles, subject to the following conditions :

(i) Petitioner shall furnish surety bond of Rs.6,00,000/- (six lacs) (not in form of Bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicles in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicles for any illegal purpose and as and when required, he will produce the vehicles in question before the competent court/authority.

(iii) A photograph of the vehicles shall be taken and Panchnama be also prepared and kept on record.



It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether an executive can pass an order of confiscation is pending consideration.

The said application shall be disposed of within a fortnight from the date of receipt/production of a copy of this order.

With the aforementioned observations and directions, the writ application stands disposed of.

(Anjana Mishra, J)

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