

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20578 of 2019

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Ram Lagan Yadav, Son of Late Shiv Narayan Yadav, Resident of Village Hasari, P.S.- Nauhatta, District- Rohtas. At present resident of Village BaKanaura (Sundarganj), Panchbigahawa, P.S.- Rohtas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Divisional Forest Officer cum Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester, Rohtas Range, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, G.P. 14

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 22-10-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner in the present writ application prays for release of his vehicle-Tractor and Trailer, bearing Tractor Registration No.BR-24GB-1681 and Trailer bearing Registration No.BR-24GB-2485, which has illegally been seized alleged to be loaded with stone chips in connection with Forest Case No.34 of 2019 (Confiscation Case No. 31(B) of 2019).

Learned counsel for the petitioner submits that admittedly the vehicle in question was apprehended when it was outside the protected forest area, but even then the said vehicle



has been languishing in custody and may be released provisionally, subject to the decision of the confiscation case. Learned counsel for the petitioner further submits that as in other cases, the vehicle in question may also be released, subject to the conditions as have been followed by this Court in other matters.

Learned counsel for the State has also filed a counter affidavit.

Learned counsel for the petitioner submits that the petitioner is ready to furnish sureties as has been done in other cases and the vehicle in question may be released provisionally.

Having considered the aforementioned facts and circumstances of the case, let the vehicle in question of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle, 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 vehicle 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 vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(iii) A photograph of the vehicle 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.

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

(Anjana Mishra, J)

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