

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21346 of 2019

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Ram Karan 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. Sanjay Kumar, A.C. to S.C.-15

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

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

The petitioner, in the present writ application, prays for a direction to the respondent-authorities to release the two vehicles-Tractor and Trailer, bearing Tractor Registration No.BR-45G-9213 and bearing Trailer Registration No.BR-45G-9547, which have been illegally seized alleged to be loaded with stone chips in connection with Forest Case No.34 of 2019 (Confiscation Case No. 31 (C) of 2019).

Learned counsel for the petitioner submits that an application for release of vehicles has been filed before the Divisional Forest Officer, Forest Division, Rohtas at 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 may be released, subject to the verification of ownership and on furnishing securities.

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 concerned authority along with a copy of this order and the documents regarding ownership of the vehicles. In case the petitioner approaches the concerned authority within a period of two weeks from today, 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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