

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21085 of 2019**

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Rajeshwar Yadav, S/o 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. Chitranjan Sinha, P.A.A.G.- 2

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      22-10-2019                      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 Registration No.BR-24GA-  
4206 and Trailer bearing Registration No.BR-24GA-4204 and  
another Tractor bearing Registration No.BR-24G-8641 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 (A+D) of 2019).

Learned counsel for the petitioner submits that an  
application for release of vehicles has been filed before the



Divisional Forest Officer, 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 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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