

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16568 of 2020

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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Suresh Mistri, aged about 61 years, Gender-Male, Son of Late Mukhlal Mistri, Resident of Village - Kundila, P.S.- Sakurabad, Distt - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the State : Mr.Dilip Kunar No.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-07-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Forest Case No. 3 of 2019 registered for the offences punishable under Sections 5 and 14 of Bihar Saw Mills (Regulation) Act, 1990 and Sections 41 and 42 of Indian Forest Act, 1927 (Bihar Amendment Act-1989).

The fact of the case is that the inspection was conducted to the Saw Mill of the petitioner on 03.06.2019 and during the course of inspection, Saw Mill was running illegally. One Diesel Engines along with plant and machineries and four pieces of Chiran wood were seized and accordingly seizure list was prepared by the Forester, Jehanabad on 03.06.2019 itself.

Learned counsel for the petitioner submits that the



petitioner has committed no offence and he has falsely been implicated by the informant with ulterior motive. He further submits that the petitioner established 18” diameter Saw Mill for manufacturing of furniture which is exempted from the purview of 25 of the Bihar Saw Mills (Regulation) Act, 1990 and Resolution No.3959 dated 24.12.2012 has also been issued by the Department of Environment & Forest, Government of Bihar in which it has been stated that no registration is required for 18” diameter Saw Mill. The similar matter has been decided by this Hon’ble Court vide its order dated 26.04.2013 in C.W.J.C. No.21755 of 2012. He further submits that the Forester is not empowered under Section 8 of the Bihar Saw Mills (Regulation) Act, 1990 and under Section 52 of the Indian Forest Act, 1927 to make an inspection, search and seizure of the Saw Mill and the wood.

Learned A.P.P. for the State has opposed the prayer for bail and submits that the petitioner has been made accused before the Forest Department.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/-



(twenty five thousand) only with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Forest Case No. 3 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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