

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29156 of 2021

Arising Out of PS. Case No.-12 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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PAPPU SAO @ SUNIL KUMAR @ PAPPU SAW Son of Late Prabhu Dayal
Saw Resident of village - Prankush Nagar, Hulasganj, P.S. - Hulasganj,
District - Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-10-2021 Heard learned counsel for the parties.

Petitioner apprehend his arrest in a case registered for the offence punishable under Sections 5 and 14 of the Bihar Saw Mills (Regulation) Act, 1990 and under Sections 41 & 42 of the Indian Forest Act, 1927.

Allegation against the petitioner is of running a saw mill without license.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case. Petitioner has got no criminal antecedent. Learned counsel for the petitioner has relied upon judgment of a co-ordinate bench of this Court passed in CWJC No. 21755 of 2012 and its analogous case in which following order has been passed:-

“Heard learned counsel for the petitioners and learned counsel for the State.

In both the writ applications the prayer made by the petitioners is to direct the respondents to ensure the opening of 18” diameter Saw Mill for making furniture which has been closed by the respondents.

In the counter affidavit filed on behalf of the respondents in C.W.J.C. No.22095 of 2012, it is asserted that no action has been taken against the petitioner in running 18” diameter Saw Mill and reference has been made to the Resolution dated 24.12.2012 of the Government of Bihar in the Environment & Forest Department in which it is stated that the Saw Mills with a diameter up to 18” whether it is vertical or horizontal will not require to be registered but they should be used in carpentry work only for making furniture, etc. and not for commercial sawing and they would not use round logs; rather they would use only sawn timber in small sizes. It is further provided that in case such condition is violated, penal action shall be taken against them under the provisions of the Saw Mills (Regulation) Act, 1990. It is further stated in the counter affidavit that no action has been taken against the petitioner by the respondent authorities.

The petitioner of C.W.J.C. No.21755 of 2012 has also brought the said Resolution vide memo No.3959 dated 24.12.2012.

In the aforesaid view of the matter, both the writ applications are allowed and the respondents are restrained from interfering with the running of the 18” diameter Saw Mills of the petitioners in terms of the Resolution dated 24.12.2012 of the State Government.”

Considering the aforesaid judgment of the co-ordinate bench of this Court and the facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his/her arrest or surrender before the court below within a period of four weeks from today upon furnishing bail

bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Forest Case No. 12 of 2019**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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