

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6676 of 2020

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1. Murlidhar Singh @ Muralidhar Singh Son of Janardhan Singh@ Janardan Singh, R/o Village- Kanchanpur,P.S. Sasaram(M), District- Rohtas.
 2. Sonu Kumar Singh, Son of Dineshwar Singh, R/o Village- Kanchanpur,P.S. Sasaram(M), District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The Authorized Officer Cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Area at Sasaram.
7. The Forestor Tilauthu Cum Darigaon, Forest Circle, District- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate
Mr. Dheeraj Kumar, Advocate

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 15-11-2021



Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- (i) For the issuance of an appropriate writ/direction in confiscation case No.6/2020 directing respondent No.4 for provisional release of Vehicle which is subject matter of confiscation in the confiscation case No.6/2020 or for a direction to dispose the petition of release dated 12.2.2020 pending before Respondent No.4 (contained in Annexure-4 to the writ petition).
- (ii) For the issuance of an appropriate writ/direction to the Respondent No.4 to release the petitioner's Vehicle bearing Registration No. BR06GA/3437 which is subject matter of the confiscation case No. 6/2020 arising out of forest case No. 6/2020 or dispose the release petition dated 12.2.2020.
- (iii) For the issuance of an appropriate writ/direction to conclude the confiscation proceeding within a reasonable time.
- (iv) For the issuance of any other writ/ order/direction as your lordship may deem fit & proper for the ends of Justice or to allow the relief to which the petitioner is found entitle by this Hon'ble Court.



It is submitted by learned counsel for the petitioners that they are the owner of the seized vehicle which has been seized by the forest authorities for violation of Sections 33, 41 and 42 of the Forest Act, for which a criminal case under Forest Act has also been instituted and confiscation proceeding for confiscation of the vehicle has also been initiated by the Divisional Forest Officer in Confiscation Case No. 06 of 2020.

In the facts and circumstances of the case, this writ petition is disposed of with liberty to the petitioners to file a fresh petition before the confiscating authority i.e. respondent no. 4 the Authorised Officer-Cum- Divisional Forest Officer, Rohtas, Sasaram, for provisional release of his vehicle.

During pendency of confiscation proceeding, if any application for provisional release of the vehicle is filed, same be disposed of in accordance with law within a period of **30** days from the date of filing of such petition.

Interlocutory application, if any, shall also



stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Sanjay

AFR/NAFR	
CAV DATE	
Uploading Date	22.11.2021
Transmission Date	

