

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 10836 of 2020

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Rai Jee aged about 35 years (Male) son of Rajendra Singh,
resident of village-Jamuara Andwar Karma, Police Station-
Suryapura, District-Rohtas

----- Petitioner

versus

1. The State of Bihar through the Principal Secretary,
Department of Forest and Environment, Bihar, Patna
2. The Divisional Forest Officer-cum-Authorized Officer,
Rohtas, Forest Division, Rohtas at Sasaram
3. The Forester, Darigaon Range, Rohtas

----- Respondents

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Appearance:-

For the Petitioner :- Mr. Sanjay Kumar Tiwary, Advocate
For the State :- Mr. Sanjay Kumar, AC to SC-15

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3. **01.07.2021** The present petition has been taken up for consideration
through the mode of Video conferencing in view of the



prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned counsel for the State Shri. Sanjay Kumar, AC to SC-15.

The present writ petition has been filed for directing the respondent authorities to release the vehicle of the petitioner i.e. the truck bearing Registration No. UP 67 T-0751 which has been illegally seized on the premise that illicit stone chips were loaded on the said vehicle.

It appears that the respondent authorities had lodged a case against the petitioner bearing Forest Case No. 58 of 2020 (Confiscation Case No. 79 of 2020).

The learned counsel appearing for the petitioner has submitted that the vehicle was seized on 27.07.2020, whereafter he had filed a petition for release of the vehicle, nonetheless, the vehicle has not been released till date.

Per contra, the learned counsel for the State Sri. Sanjay Kumar, AC to SC-15 has submitted that the aforesaid Confiscation Case No. 79 of 2020 has already been finally



decided vide order dated 04.02.2021 passed by the Authorized Officer-cum-Forest Divisional Officer, Rohtas, Forest Division, Sasaram, hence now the remedy available to the petitioner is to file an appeal under Section 52A of the Forest Act, 1927. It is also submitted that the petitioner can make a fresh prayer for release of the vehicle in question, after filing the appeal, inasmuch as the appellate authority has the power to release the vehicle in question under Section 61 of the Indian Forest Act, 1927.

Having regard to the facts and circumstances of the case as also considering the argument advanced by the learned counsel for the parties, I deem it fit and proper to grant liberty to the petitioner to file appropriate appeal under Section 52A of the Indian Forest Act, 1927 before the appellate authority against the order dated 04.02.2021 passed by the Forest Officer-cum-Forest Divisional Officer, Rohtas Forest Division, Sasaram in Confiscation Case No. 79 of 2020 and in case such an appeal is filed within a period of four weeks from today, the same shall be considered on merits without the appellate authority being impeded by the issue of limitation.



It is needless to state that in case the petitioner files an appeal within four weeks from today, the appellate authority shall consider the case of the petitioner for provisional release of the vehicle upon production of proof of ownership and registration of the vehicle as also subject to such conditions as may be deemed fit and proper to be imposed and pass appropriate orders in that regard.

With the aforesaid observations and directions, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/-

