

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16985 of 2019

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Santosh Kumar @ Santosh Yadav, Son of Raj Kumar Prasad @ Raj Kumar Yadav, resident of Piprahi, P.S. Barachati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest, Gaya.
3. The District Magistrate, Gaya.
4. The Divisional Forest Officer, Gaya.
5. The Forest Range Officer, Bhalua Range, Barachati, Gaya.
6. The Forest Officer, Bhalua Forest Range, Barachati, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.Chitranjan Sinha (Ppag2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-03-2021 The present writ petition has been filed
seeking the following relief:-

"(i) For issuance of writ in the nature of mandamus or any other appropriate writ(s), order(s), directions to the respondents to release the Power Tractor along with Tractor bearing registration no. BR-24GA-4064, Chassis No. T053265018, Engine No. E3294108 in favour of the petitioner, which has been seized loaded with sand in connection case no. CIS-F-50/19 under section 52 of Indian Forest Act, 1927



(Bihar Amendment Act, 1989) by the Forest Range Officer, Bhalua (Barachatti), and the same has been kept custody in Kahudag Central Forest premises."

At the outset, the learned counsel for the petitioner submits that since no confiscation proceedings under the Forest Act has been initiated till date, the petitioner may be granted liberty to approach the learned court below i.e. the learned court of ACJM, Sherghati, Gaya, for release of his vehicle in accordance with the provisions contained under Section 451 of the Criminal Procedure Code.

Accordingly, the present writ petition stands disposed of with liberty to the petitioner to approach the learned court of ACJM, Sherghati, Gaya, for release of his vehicle i.e. Tractor / Tractor, which has been seized loaded with sand in connection with Case No. CIS-F-50/19 under Section 52 of the Indian Forest Act, 1927 by the Forest Range Officer, Bhalua (Barachatti).

It is needless to state that in case,



appropriate petition is filed by the petitioner under Section 451 of the Code of Criminal Procedure, 1973, the same shall be considered and disposed of by the learned court of ACJM, Sherghati, Gaya, in accordance with law, within a period of four weeks, thereafter.

(Mohit Kumar Shah, J)

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