

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8181 of 2021

=====

Ravindra Sao Son of Teju Sao Resident of Village - Ratanpura, P.S. -
Shakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment and Forest, Government of Bihar.
2. The Principal Chief Conservator of Forest, Bihar, Patna.
3. The Divisional Forest Officer, Gaya Forest Division, Gaya.
4. The Forester, Jehanabad, District- Jehanabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Sarvesh Kumar Singh, AAG-13

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022 Petitioner has prayed for the following relief(s):

“(i) For issuance of a writ in the nature of Mandamus directing the respondents to release the Tractor & Trailor bearing Registration No. BEA5395, Engine No. UT9010716/C87, Chessis No. HMT-GLC-43, Model No. HMT-3511 in favour of the petitioner because 7 logs Shisham wood and 1 log Neem Wood loaded on the Tractor & Trailor has been seized by the Forester, Jehanabad on 3.1.2021 in violation of Section 41 and 42 of the Indian Forest Act, 1927.
(ii) For issuance of such other writ(s), order(s), direction(s) as your Lordship may deem fit and proper.”

It is submitted by learned counsel for the
petitioner that he is owner of the seized vehicle which has been



seized by the forest authorities for violation of Sections 41 and 42 of the Forest Act, for which a case under forest Act has been initiated.

It is further submitted that no forest offence has been committed by the petitioner and the seized wood is not a government property because the same was purchased by the petitioner from the raiyat.

In the facts and circumstances of the present case, the Confiscating Authority/ the Divisional Forest Officer, Gaya Forest Division, Gaya is directed to initiate confiscating proceeding forthwith and shall provisionally release the aforesaid Tractor & Trailor in favour of its owner on production of ownership and registration documents and upon furnishing bank guarantee of the value of insured amount of the vehicle.

The petitioner while submitting the bank guarantee shall also furnish the following affidavits/undertakings:

(i) That the petitioner shall not indulge in creating any third party right or interest in respect of the vehicle during the pendency of the confiscation proceeding and shall not alienate the vehicle during this period.



(ii) The petitioner shall furnish an undertaking to produce the vehicle before the confiscating authority as and when required.

(iii) Prior to release of the vehicle, a Panchanama would be prepared wherein the photograph of the vehicle shall be taken and will be certified by the petitioner and same shall be kept on record so that in future if so required, it may be used as a secondary evidence. The petitioner shall furnish an undertaking not to challenge the said Panchanama.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

K.C.Jha/DKS/-

U			
---	--	--	--

