

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2704 of 2020

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Ladum Singh, Son of Badan Singh@ Badan Mahto, Resident of Village-
Lohradih, Police Station- Tilauthu, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-Cum-Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Advocate
For the Respondent/s	:	Mr. Chitranjan Sinha (PAAG2)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“That, the petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate writ in the nature of mandamus or any other writ/writs, order/orders, direction/directions, command/commands directing the provisional release of the truck bearing Registration No. JH01T/7153 in favour of the petitioner in connection with Forest Case No. 48 of 2019 under Sections 33, 41 and 42 of Forest Act, corresponding Confiscation Case No. 49 of 2019 to the

satisfaction of Learned Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District -Rohtas within a specified period.”

Informant has alleged in FIR that while he was checking the vehicle coming from Akbarpur, a truck came and when it was stopped, driver of the truck managed to flee away and thereafter on search, stone chips was recovered from the said truck, for which Forest Case No. 48 of 2019 was registered on 22.12.2019 under Sections 33, 41 and 42 of the Forest Act.

Petitioner is the owner of seized truck and supplier of the stone chips and sand and for running his business, is registered under G.S.T. and truck was not seized from protected forest area rather the same was seized near village-Majhigawa on Akbarpur-Nauhatta Road, which is at the distance of about 50 KM from protected forest area.

In facts and circumstances of present case, the Divisional Forest Officer-Cum-Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas is directed to provisionally release the seized truck in favour of the petitioner, who claims to be the registered owner of the seized truck on submitting the ownership and registration document of the truck and on furnishing bank guarantee of the value as indicated in the insurance document of the truck and further furnishing

and undertaking that no 3rd party right will be created on the bus during pendency of confiscation proceeding.

The release of the truck shall be allowed within a period of 14 days from the date of furnishing of bank guarantee and the undertaking as stated above, which would however be subject to final outcome of the confiscation proceeding.

With aforesaid observations and direction the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	