

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10605 of 2021

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Vivek Kumar Son of Bijay Kumar Arya, Resident of Village-Nasriganj, Police Station-Nasriganj, District-Rohtas.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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 : 04-01-2022

Petitioner has prayed for the following relief(s):

“ For issuance of writ in the nature of mandamus to commanding and directing the respondent authority to release the vehicle bearing registration No.BR-02T-0798, Pick Up Van has illegal been seized alleged to be loaded with Bamboos (Lathi) in connection with Forest Case No. 3 of 2021 (Confiscation Case No.4 of 2021). And any other order or orders as your Lordships may deem fit and proper.”

Informant who is the forester of the Rohtas Protected



Forest area, has given report to the sub-Divisional Judicial Magistrate, Dehri-on-sone, Rohtas stating therein that on 11.01.2021, after receiving a secret information that one Pick Up Van is coming from protected Forest area loaded with bamboos (Lathi), he proceeded along with others forester and police and when he reached at the spot, he found the said vehicle loaded with bamboos (Lathi) without valid paper and arrested three persons including the driver of the said vehicle.

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 33, 41 and 42 of the Forest Act, for which a case under forest Act has been initiated. It is further submitted that confiscation case being confiscation case no.4 of 2021 has already been initiated against the seized vehicle.

In the facts and circumstances of the present case, the Confiscating Authority/ the Divisional Forest Officer -cum- Authorized officer, Rohtas, Forest Division, Rohtas at Sasaram is directed to provisionally release the aforesaid vehicle of its owner on production of ownership and registration documents and upon furnishing bank guarantee of the value of insured amount of the aforesaid 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)

(S. Kumar, J)

Ashwini/K.C.

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

