

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15652 of 2021

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Ritesh Kumar, Son of Rameshwar Prasad, Resident of Mohalla - Shivganj
Dehri, P.S. - Dehri, 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.Awanish Nandan Sinha (G.P. 21)

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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 through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 20-01-2022

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, command/commands directing the provisional release of the truck bearing Registration No. BR. 27G3979, Chassis No. 396522FRZ604357 in favour of the petitioner in connection with Forest Case No. 22 of 2021 for the offence under Sections 33, 41 and 42 of the Forest Act.”

Petitioner claims to be the owner of the seized truck

and said truck was being managed by his driver and truck was

running under the control of driver.

It is submitted that 600 stone boulder was recovered from Suara Mor at G.T. Road which is not forest protected area and petitioner was not aware that said stone was kept in his truck. It is further submitted that confiscation proceeding being confiscation case no. 36 of 2021 is pending.

In the facts and circumstances of the case, concerned District Magistrate/Confiscating Authority is directed to **provisionally release the vehicle of petitioner** after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question in his name with two sureties (one local) to the extent of the value of the vehicle as indicated in the insurance document.

The petitioner while submitting the sureties 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.

The release shall be allowed within a period of 14 days from the date of submission of the sureties and the undertakings as stated above, which would however be subject to finalization of the confiscation proceeding.

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	