

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.699 of 2017

Arising Out of PS. Case No.-39 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

=====

Suman Pandey W/o Dhananjay Pandey, Resident of New Deliya Dehri-On-Sone, Police Station- Dehri, District- Rohtas.

... .. Petitioner

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 Tilauthu Range, Rohtas Sasaram.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.Tej Pratap Singh, AC to AAG-13

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-07-2022 No one appears for the petitioner.

Petitioner, in the present case, is seeking issuance of writ in the nature of certiorari for setting aside the Forest Case No. 39 of 2017 lodged by the Divisional Forest Officer – cum – Authorized Officer, Rohtas Forest Division with regard to the initiation of confiscation proceeding against the petitioner's vehicle (Truck) bearing Registration No. BR-2K-7822.

It appears on perusal of the order dated 01.08.2017 passed in this case that at the relevant time one Letters Patent Appeal bearing No. 1647/2015 (Baleshwar Roy Vs. The State of Bihar & Ors.) was pending consideration before this Court. In the said case because the competency of the executive authority



i.e. the District Magistrate to confiscate and auction the seized vehicle was under question.

Considering that pendency of the LPA this Court directed for interim custody of the Truck in favour of the petitioner on execution of surety bond of Rs. 20,00,000/- (Rupees Twenty Lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount each to the satisfaction of the District Forest Officer, Rohtas.

Learned counsel for the State has informed that the LPA No. 1647/2015 has already been considered by a Full Bench of this Court and is reported in **2018 (4) PLJR 970 (Baleshwar Roy and Anr. vs. The State of Bihar)**. The power of the Executive Magistrate to proceed with the confiscation case has been upheld, therefore, the question which was raised in the present case has been answered in favour of the Executives.

Considering that no one is appearing on behalf of the petitioner despite indulgence given to the petitioner on earlier occasion, this Court is of the considered opinion that after interim release of the truck the petitioner has lost interest in the present proceeding. This Court finds no reason to keep the writ application pending.



This writ application is, thus, disposed of granting liberty to the Divisional Forest Officer – cum – Authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram to proceed with the confiscation case no. 109/2017 and pass an appropriate order therein within a period of four months from the date of communication/ production of a copy of this order.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

