

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50561 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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SUBBA GUPTA S/o Paltu Sah R/o village- Marichahwa, P.S.- Dhanaha,
District- West Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate

For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in connection with Indian Forest Case No. 76 of 2022 instituted under Sections 41 and 42 of the Indian Forest Act and Sections 5,8,9,10,13 and 14 of Bihar Saw Mills Act.

As per the prosecution story, the forest officials have alleged in the FIR that upon patrolling, they found that this petitioner has established saw machine and accordingly seized the same and other materials present there. Seizure list prepared and the FIR was lodged.

Learned counsel for the petitioner submits that it is not the case of the informant that any illegal forest woods have been found in his saw mill. The same was not in working condition and only machines were there and suspecting foul



play, this FIR.

The learned APP opposes the prayer stating that these days it has become the matter of concern of illegal saw mill being used to cut the forest trees.

Taking into account the aforesaid fact that no wood has been recovered/seized from the premises of the petitioner and only the machines of saw mill has been recovered/seized and the petitioner is an aged person, this Court is inclined to grant him relief.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in connection with Indian Forest Case No. 76 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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