

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2514 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Ramesh Prasad Yadav

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Environment And Forest Department, Government
2. The Sub Divisional Forest Officer,Purnea
3. The Sub Divisional Forest Officer,Saharsa
4. The Range forest Officer, Range, Birpur,Distt.-Supaul
5. The Forest Officer,Basantpur,Birpur,Distt.-Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Jha
For the Respondent/s : Mr.Raghwanand Ga-11

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 07-08-2023 Heard the parties.

2. This application has been filed for quashing the order dated 01.07.2016 passed by Sub-Divisional Judicial Magistrate, Birpur in Misc. No. 07 of 2000.

3. The prosecution case in short is that on a secret information, the then forest officer with a team of eight men reached at R.D. No. 58 and 59 near Gamhariya Canal and he saw three persons namely, Balram Yadav, Bijo Mandal and Chintu Sada loading the piece of timber on a tractor tailer.

4. Learned counsel for the petitioner submits that the when the confiscation proceeding was going on before the presiding officer, several letters were issued from the court which suggests to stay the criminal proceedings as well as warrant of arrest of the petitioners, in fact one letter also



suggests that the department had decided to withdraw the case against the petitioners.

5. Learned counsel for the petitioner further submits that an enquiry was also conducted in which it was found that there were no plantation of Shisham tree at the concerned place and the informant of the case has never appeared despite several notices.

6. The Divisional Forest Officer, Saharsa, in Paragraph XI of his counter affidavit has not denied contents of Annexure P/8B in fact he has relied upon the contents of Annexure P/8B.

7. The learned counsel for the State has argued the case on basis of the counter affidavit and he has not added anything which controverts Annexure P/8B.

8. In view of the above, no offence is made out against the petitioner, therefore, this application is allowed.

9. Accordingly, the order dated 01.07.2016 passed by Sub-Divisional Judicial Magistrate, Birpur in Misc. No. 07 of 2000 is hereby quashed.

(Sandeep Kumar, J)

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