

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62114 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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NEK MOHAMMAD GADDI @ NEK MAHAMAD GADDI S/O LATE
EKBAL GADDI @ EKBALI GADDI @ LATE IKBAL GADDI R/O
VILLAGE- WARD NO. 06, TAKTAKWA AAGANWARI, DUMARI, P.S-
YOGAPATTI, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta
For the Opposite Party/s : Ms. (Dr.) Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 29-02-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Forest Case No. 15 of 2023, dated 23.01.2023,
disclosing offences punishable under Sections
5/8/9/10/12/13/14 of the Bihar Saw Mills Regulation Act,
1990 and Sections 33/41/42 of the Indian Forest Act,
1927.
3. The allegation, as per the prosecution Report submitted
by the Forester, Bettiah Forest Area, Bettiah, is that one
mobile saw mill was being operated on a tractor illegally
and upon seeing the raiding party, the operator of the



mobile saw mill succeeded in fleeing away. The tractor (without any registration number/plate) along with one mobile saw mil and one piece of seesam log was seized.

4. Learned Counsel for the petitioner submits that the name of the petitioner has transpired on the basis of disclosure of his name allegedly by the local villagers due to political rivalry as the petitioner is the ex-sarpanch. He further submits that from perusal of the prosecution report, it would be evident that the mobile saw mill on a tractor was moving around the village and was indulged in cutting of logs. No forest produce has been recovered from the possession of the petitioner and the tractor, along with the mobile saw mill, which was seized by the raiding party, did not belong to the petitioner.
5. Learned Additional Public Prosecutor, referring to the case diary, submits that the case diary is of 3-4 pages and the name of the owner of the tractor has not been ascertained during the course of investigation.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that except the disclosure of the name of the petitioner by the local villagers, no material has been collected against the



petitioner during the course of investigation, the petitioner is not the owner of the tractor and the mobile saw mill, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Forest Case No. 15 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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