

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77566 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Patna

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1. Neeraj Kumar @ Niraj Kumar Son of Kamleshwar Kumar Resident of Mohalla- Flat No.403, Renu Satya Kunj Apartment, Khagaul Road, P.S.- Danapur, District- Patna
 2. Uttam Kumar Son of Jay Mangal Prasad Resident of Mohalla- Sheikhpura Mali Tola, Raja Bazar, P.S.- Airport, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-11-2024 Heard the learned counsel for the petitioners and the learned APP for the State.

2. This application has been filed on behalf of the petitioners for quashing of the cognizance order dated 12.08.2024 passed by the learned C.J.M., Patna in connection with (Forest Government Official) Complaint Case No. 81(O) of 2024 under Section 2, 9, 39, 49(b), 50 and 51 of the Wilf Life Protection Act, 1972.

3. The brief fact of the case is that the tiger's skin and the piece of the elephant's tusk were recovered from the possession of the petitioners and the co-accused person with intent to sell.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the late Parmeshwar Rai who was the grandfather-in-law of the sister of the petitioner no. 1, namely, Neeraj Kumar who was permitted to do hunting before enactment of the wildlife Protection Act, 1972, and it could be ascertained from the trophy itself. It is further submitted that the declaration has been made before the concerned officer that the skin of a tiger and an Elephant's Tusk were allowed in possession of the family members of the Late Parmeshwar Rai who had hunted after taking due permission from the concerned Department. It is further submitted that the said recovery has been made from the Maruti Suzuki Ertiga which was parked in the premises of the Neeraj Kumar (petitioner no. 1). It is also submitted that said articles were kept in the boot space of the said Car to keep safe from the dogs as the maintenance work was going on in the house of the Neeraj Kumar. As per the Section 52(d) of the Indian Forest Bihar Amendment Act, 1989, the Forest officer not below the rank of Range Officer has right to search and seize. It is further submitted that as per the Bihar Organization setup of the Bihar Forest Department, Forester is lower rank than the Ranger Officer, hence, Forester Mrs. Shilpi Kumari has no right to



arrest, seize or search any place, premises or vehicle. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner is not involved in the selling of the Tiger Skin or an Elephant Ivory.

5. Learned APP for the State has vehemently opposed the prayer of the petitioners and has submitted that the said articles were kept in the boot space of the car which belonged to the Petitioner No. 1. At the stage defence plea can not be taken into consideration. There is prima facie material against the petitioners.

6. Considering the facts and circumstances of the case, this Court do not find it safe to invoke the extraordinary inherent jurisdiction of the Court u/s 482 of the Cr. P.C. to quash the order of cognizance dated 12.08.2024 passed by Learned C.J.M., Patna.

7. Accordingly, the present quashing application is hereby dismissed.

(Chandra Prakash Singh, J)

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