

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1505 of 2025

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Dharmendra Kumar Son of Surendra Singh @ Surendra Kumar Singh
Resident of Village-Muzaffarur, P.S.-Sahar (Mahpur), District- Bhojpur at
Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
2. The Principal Secretary-Cum-Revisional Authority, Environment and Forest Department, Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Appellate Authority, Rohtas at Sasaram.
4. The Divisional Forest Officer-cum-Confiscating Authority, Rohtas.
5. The Range Officer, Darigaon, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Respondent/s : Mr.Addl. Advocate General (13)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 04-11-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has moved the Court for the
following reliefs:

*“I. To issue writ/writs, order/orders,
direction/directions including a writ in the nature
of certiorari for quashing the order dated
30.05.2023 passed in Forest Revision Case no.
06/2021 by the Principal Secretary-cum-
Revisional Authority, Patna (Respondent no. 2)
whereby and whereunder he has been dismissed
the Revision Petition in routine manner (as
contained in Annexure-P/ 6). Further to quash the
order dated 11.02.2020 passed in Forest Appeal
Case no. 75/2017 by the District Magistrate-cum-
Appellate Authority, Rohtas (Sasaram) he has
been refused to release finally the vehicle bearing
Registration No. UP-67T-1989 Truck (10 Wheels)*



in favour of the petitioner and also affirmed the order dated 28.06.2017 passed by the Divisional Forest Officer, Rohtas (as contained in Annexure-P/4) without looking the facts and circumstances of the case of the petitioner. It is further quashed the order dated 28.06.2017 passed in Forest Confiscation Case no. 25/17F arising out of Forest Case no. 125/16 by the Divisional Forest Officer-cum-Confiscating Authority, Rohtas at Sasaram without considering the facts and circumstances of the case of the petitioner in proper perspectives.

II. To issue a writ/ writs, order/ orders, direction/directions including a writ in the nature of mandamus directing the Respondents to release finally the vehicle Truck bearing Registration No. UP-67T-1989 in his favour forthwith."

3. The ten wheeler truck of the petitioner bearing UP-67T-1989 was seized. The learned counsel submits that on 13.11.2016 several trucks including the aforesaid truck of the petitioner loaded with 600 Cft. stone chips was seized and confiscation proceedings was initiated.

4. The learned counsel for the petitioner has also submitted that stone chips loaded on the truck of the petitioner was loaded from the premises of M/s Prakash Stone Works, Billi, Markundi, Gitti/Bolder, Sonbhadra, Uttar Pradesh on 11.11.2016 and was being carried from Uttar Pradesh to Arwal, Naubatpur, Bihar. The petitioner was duly carrying challans and necessary road permits despite the same the vehicle was confiscated.

5. Based on the report of the Range Officer,



Darigaon, Sasaram, in the Forest Case No. 123 of 2016 dated 16.11.2016 was initiated and the vehicle was confiscated vide order dated 28.06.2017 passed in Forest Confioscation No. 25/17F without considering the facts and circumstances of the case. Thereafter, being aggrieved by the aforesaid order dated 28.06.2017, the petitioner preferred an Appeal under section 52A of the Forest Act, before the respondent no.3 – District Magistrate-cum-Applellate Authority, Rohtas, however *vide* 11.02.2020 the aforesaid appeal of the petitioner was rejected.

6. It is emphasised by the learned counsel for the petitioner that another truck of the petitioner was also seized which was challenged before this Court. The learned counsel for the petitioner has drawn the attention of this Court to a judgment delivered by the Co-ordinate bench in the case of ***C.W.J.C No. 14259 of 2024*** titled as '***Dharmendra Kumar vs State of Bihar and Ors.***' which was allowed by a detailed order by this Court on 29.05.2025.

7. I find no reason to disagree with the aforesaid judgment of this Court passed by another co-ordinate Bench. Paragraph-6 of the aforesaid judgment dated 29.05.2025 reads as follows:

“6. Having heard the learned counsels for the parties and perused the material



available on record, this Court, therefore, holds that the truck of the petitioner was loaded with 600 cft. stone chips thereon from the business premises of M/s Prakash Stone Works, Billi, Markundi, Gitti/Bolder, Sonbhadra, Uttar Pradesh on 11.11.2016 along with sale invoice and on the strength of which the consignment of stone chips was being carried from Uttar Pradesh to Arwal, Naubatput, Bihar and despite of the valid challan, the authority did not take any notice of the sale challan as well as road permit of the State of Bihar and the truck of the petitioner was wrongly confiscated by the authority concerned and despite of showing the aforesaid documents before the authority concerned. Section 30 of the Forest Act applies only when stone chips are brought from forest protected area in contravention to Section 30 of the Act but in the present case the truck was seized from G.T. Road, Karwandiya which is out of Forest Protected Area, so no case is made out under the Forest Act. The authority concerned have wrongly confiscated the truck of the petitioner; the orders dated 28.06.2017 (Annexure-P/3), 11.02.2020 (AnnexureP/4) and 30.05.2023 (Annexure-P/6) are set aside and the truck in question bearing registration no. BR-01GA/5237 which was released vide order dated 26.10.2018 in C.W.J.C. No. 10467 of 2018 in Cr.W.J.C. No. 998 of 2018 (Annexure-5).

7. *The writ petition is allowed and the petitioner is free from all the undertakings as given pursuant to the direction of this Court vide order dated 26.10.2018 passed in C.W.J.C. No. 10467 of 2018 in Cr.W.J.C. No. 998 of 2018 with respect to truck in question.”*



8. Considering the fact that similar matter has already been decided by this Court and for the reasons aforesaid, this application is allowed.

9. Accordingly, the impugned orders i.e., order dated 28.06.2017 passed in Forest Confiscation Case No. 25/17F arising out of Forest Case No. 125 of 2016, order dated 11.02.2020 passed in Forest Appeal case No. 75 of 2017 and order dated 30.05.2023 passed in Forest Revision Case No 06 of 2021 are hereby quashed and set aside.

9. The vehicle of the petitioner bearing registration No. UP-67T-1989 be released in favour of the petitioner forthwith.

10. Further the respondent no-4 – D.F.O-cum-Confiscating Authority, Rohtas / Concerned officer shall also release the security documents furnished by the petitioner for release of the truck forthwith.

(Sandeep Kumar, J)

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