

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7410 of 2025

Arising Out of PS. Case No.-38 Year-2021 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Rohtas

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Mannu Singh @ Dharmendra Singh @ Munnu Singh S/o- Late Balister Singh
Village- Vishrampur , Po- Chotki Chenari PS-Sheosagar , Dist -Rohtas At
present resident of Sighnapura , PS- Sheosagar , Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-03-2025 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. 38 of 2021, disclosing offences
under Sections 32, 33, 41, 42 of the Forest Act and Sections
17A, 27 and 29 of the Wild Life (Protection) Act, 1972.
3. As per the prosecution case, on 29.12.2021,
during course of patrolling in the Chenary Forest Range, the
patrolling party saw smoke coming out after some distance and
when the party reached near the place of smoke, some persons
were preparing liquor and upon seeing the patrolling party, they
started fleeing away. During the course, the accused persons
were fleeing and one person namely petitioner was identified.



The party could not identify the remaining four persons who fled away. About one quintal of green firewood, two axes, one utensil for manufacturing liquor and one plastic dabba were recovered from the place of occurrence.

4. Learned Counsel for the petitioner submits that from perusal of the prosecution report, it appears that the patrolling party, after seeing the smoke coming out from the forest area, went near the place of occurrence and saw that some people were manufacturing liquor but no liquor and/or material meant for preparation of liquor was recovered from the spot. Only recovery made by them is one *tasla* and one quintal of green firewood worth about Rs. 1000/-. No notice was given to the petitioner by the forest officer or anybody in the matter and it has wrongly been mentioned in the prosecution report that the petitioner was called for clarification but he did not turn up. Under Section 33 of the Forest Act, penalties are prescribed for contravention of notification under Section 30 or of the rules under Section 32. Section 30 says that State Government may by notification in the official gazette declare any tree or class of trees in a protected forest to be reserved from the date fixed by the notification and Section 33 says that any person who fells, girdles, lops, taps or burns any tree reserved under Section 30 or



strips off the bark or leaves from or otherwise damages any such tree shall be liable for punishment under this Section. There is no whisper in the prosecution report that the firewood was cut from the trees which have been notified under Section 30 of the Indian Forest Act. The petitioner is not having any antecedent under the Forest Act. He has been made accused on the basis of identification by the raiding party, but no source and manner of identification has been disclosed in the FIR. The petitioner is ready to cooperate in the investigation by the forest officials.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is no specific allegation that the petitioner was involved in the cutting of the firewood from the trees already notified under Section 30, no offense has been alleged under the Excise Act and the petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail subject to the condition that he will cooperate in the investigation done by the Forest Officials, and whenever he is called by the Officials, he shall be obliged to assist and cooperate in the investigation.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of



his arrest or surrender before the Court below within four weeks, 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 Additional Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Forest Case No. 38 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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