

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4157 of 2025

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Devnath Hembram Son of - Parmeshwar Hembram, Resident of village-
Leda, Police Station - Ghatsheela, District - East Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Forest and Environment Department, Government of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Superintendent of Police, Nawada.
5. The Divisional Forest Officer, Nawada Forest Division, Nawada.
6. The Ranger Ektara Forest, Govindpur, Nawada.
7. Van Parisar Padhadhikari, Govindpur Van Parishar, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioner Mr. Rabindra Kumar Priyadarshi and Mr. Prabhakar Jha, learned GP-27 for the Respondent-State.

2. In the present writ application, the petitioner has prayed for the release of Mahindra Thar Jeep in favour of the petitioner which is bearing Registration No.:-JH05DR8005, Engine No.:-TZRZA51732, Chasis No.:-MA1UJ2TZ2R2A14103 which has been seized in connection with G.O. Case No. 87 of 2024. The petitioner has also prayed for quashing the initiation of Confiscation Case No. 13 of 2024



by the respondent no. 5.

3. The learned counsel for the petitioner submits that the petitioner is the resident of Singhbhum District in the State of Jharkhand and with a view to see the waterfall near Ektara Forest popularly known as Kakolat Waterfall, the petitioner had decided to visit the same as a tourist and when the petitioner and others reached there, a few staffs of Forest Department were quarreling with one Pawan Kumar and his friends who had also reached there for picnic purpose. Within a few minutes more than 20 police personnel and staffs of Forest Department reached there and apprehended the petitioner and others including Pawan Kumar without any rhyme or reason and later on came to know that a G.O. Case bearing No. 87 of 2024 had been instituted against the petitioner as well as against Pawan Kumar who was the owner of Vehicle bearing No. BR-27U2197 (Tata Punch). It is further submitted by the learned counsel for the petitioner that after coming to know about the institution of G.O. Case No. 87 of 2024, the petitioner on number of occasions requested for release of his vehicle but the vehicle in question was not released. Later on the petitioner has learnt that a Confiscation Case bearing No. 143 of 2024 has been initiated by the DFO (Divisional Forest Officer) Forest Division, Nawada



(respondent no. 5) which is currently pending/ongoing.

4. The learned counsel for the petitioner submits that Pawan Kumar was in the same position as petitioner but his vehicle has been released, which has been admitted by the DFO (respondent no. 5) in paragraph-16 of the counter-affidavit wherein he himself admits and states as follows:-

That with regard to the statement made in paragraph nos. 8 and 10 : That the Tata Punch vehicle was released on bond based on a written application by the owner, as it had no connection with the incident. The learned counsel for the petitioner submits that the allegation levelled in the complaint bearing G.O. Case No. 87 of 2024 is one and the same against the petitioner as well as Pawan Kumar and he further submits that from a careful perusal of the allegations levelled in the complaint, it is manifest that the action of seizure of the vehicle belonging to the petitioner was purported exercise of power under Section 52 of the Indian Forest Act, 1927. However, a careful study of the allegations levelled in the complaint with the ingredients of Section 52 of the Indian Forest Act, 1927 would reveal that there was no “forest produce” found in the vehicle of the petitioner and, therefore, Section 52 of the Indian Forest Act, 1927 was not attracted in the facts and



circumstances of the case and, therefore, the seizure of the vehicle of the petitioner was not legal and proper.

5. Be that as it may, the fact that similarly situated vehicle of Pawan Kumar has already been released on furnishing of bond, there is no reason why the petitioner should be treated differently and, therefore, it is directed that the respondent no. 5 should release the vehicle belonging to the petitioner which is Mahindra Thar Jeep having Registration No.:-JH05DR8005, Engine No.:-TZRZA51732, Chasis No.:-MA1UJ2TZ2R2A14103 which has been seized in action of G.O. Case No. 87 of 2024 within one week of execution of bond by the petitioner to the satisfaction of the Authority. Consequently, the initiation of Confiscation Case No. 13 of 2024 is also set-aside.

6. With the aforesaid observation and direction, the present writ application is allowed to the extent indicated above. All Interlocutory Applications, if any pending, shall also stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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