

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5952 of 2025

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Mithilesh Yadav Son of Vishwanath Yadav, Resident of Village- Jayantipur,
Anandi Chak, P.S.- Nauhatta, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Appellate Authority, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-District Forest Officer, Rohtas at Sasaram.
4. Thre Forester, Tilauthu, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. Standing Counsel (4)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner in the present writ application, has
prayed for quashing of the order dated 16.09.2023 passed in
Confiscation Case No. 18 of 2023 (Bihar Sarkar vs. Mithilesh
Yadav) passed by the learned Divisional Forest Officer-cum-
District Forest Officer, Rohtas at Sasaram by which his vehicle,
Tractor Mahindra-275 DI bearing Registration No. BR-
24GB/8116 alongwith 60 Cft. stone chips loaded on the tractor,
has been confiscated. As against this confiscation order, the
petitioner has also filed an appeal before the District Magistrate-
cum-Appellate Authority, which has been enclosed as



Annexure-P/6 to the writ application.

3. The learned counsel for the petitioner prays that during the pendency of the appeal before the Respondent No.2 i.e., District Magistrate-cum-Appellate authority, the vehicle belonging to the petitioner may be provisionally released.

4. From a careful perusal of the memo of appeal and the annexed documents at Annexure-P/6, it transpires that no prayer has been made by the petitioner before the Appellate Authority for provisional release of the vehicle in question and he has straightway approached this Court. The appeal, however, continues to be pending.

5. The learned counsel for the petitioner further submits that he would be satisfied if the present writ application is disposed of granting liberty to the petitioner to move a petition/application before the Appellate Authority praying for provisional release of the vehicle in question. This prayer being made by the petitioner is not opposed by respondent-State.

6. As prayed for by learned counsel for the petitioner, the present writ application is disposed of granting liberty to the petitioner to move an application/petition before the District Magistrate-cum-Appellate Authority, Rohtas at Sasaram, praying for provisional release of the vehicle. The said



application/petition shall be filed by petitioner within two weeks from today and in case, such an application/petition is filed, the District Magistrate-cum-Appellate Authority shall decide the said petition of the petitioner within 15 days, after giving an opportunity of hearing to all the parties concerned.

7. With the aforesaid observation and direction, the present writ application is disposed of with the liberty as granted above.

(Alok Kumar Sinha, J)

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