

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29565 of 2019

Arising Out of PS. Case No.-69 Year-2015 Thana- PALIGANJ District- Patna

Bhuneshwar Mistry Son of Late Sukhdeo Mistry @ Suryadeo Mistry Resident
of Village-Ankuri, P.S-Paliganj, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Forester, Masaurhi-cum-Paliganj, District-Patna. Patna.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Vinay Mistry, Advocate
For the Opposite Party : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-04-2025 Heard the parties.

2. This application has been filed for quashing the order dated 16.07.2018 passed by the learned S.D.J.M., Danapur, in Paliganj P.S. Case No. 69 of 2015, whereby the learned Magistrate has taken cognizance against the petitioner for the offence under section 414 of the Indian Penal Code, under section 33 of the Indian Forest Act and under section 14 of the Bihar Saw Mills (Regulation) Act.

3. By order dated 31.07.2015 passed in C.W.J.C. No.7444 of 2015, this Court had held the search and seizure as illegal and quashed the same. The Division Bench of this Court in L.P.A. No.1183 of 2016 by its order dated



30.10.2017 has affirmed the order of the learned Single Judge. The present F.I.R. has been filed by the same Forester who had no power to make the search and therefore, the search and seizure done by him was held to be illegal.

4. Since the search and seizure done by the Forester is held to be illegal, the entire prosecution of the petitioner is bad in law and is not sustainable.

5. Accordingly, this application is allowed. The F.I.R. vide Paliganj P.S. Case No.69 of 2015 and all consequential proceedings arising out of the aforesaid FIR including the order taking cognizance dated 16.07.2018 passed by the learned Magistrate are hereby quashed.

(Sandeep Kumar, J)

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