

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11486 of 2025**

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Abodh Kumar S/o Prakash Mandal, R/o Dangri Purusottampur, P.O.-  
Purusottampur, P.S.- Shampur (Kharagpur) Dist- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Forest Department, Government of Bihar.
2. The Authorized Officer cum Divisional Forest Officer, Munger.
3. The Forest Area Officer, Shampur Forest Area, Kharagpur, Munger.
4. The Incharge Officer of Kharagpur Police Station, District- Munger.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate  
For the Respondent/s : Mr.Addl. Advocate General (09)

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      03-11-2025                      Heard learned counsel for the petitioner and learned  
counsel for the State.

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

*“For issuance of writ in the nature of  
order and mandamus to respondents for release  
of vehicle ACE bearing Registration no.  
BR08G5386 (a goods carrier) in favour of  
owner (petitioner) was seized by respondent  
no.3 on 18.07.2023.*

*ii. For quashing the proceeding  
against the petitioner owner of vehicle who is  
innocent of occurrence as vehicle was used and  
play by driver for his livelihoods as vehicle is  
play on hire basis (a commercial vehicle).”*

3. Learned counsel for the State has opposed the



application and has submitted that a confiscation proceeding vide Confiscation Case No. 32 of 2023 is pending before the Divisional Forest Officer-cum-Authorized officer, Munger in which the petitioner has not participated.

4. Learned counsel for the petitioner submits that he has no notice and therefore he could not participate in the confiscation proceeding and now since he has been informed by the State that the confiscation proceeding is going on, he will participate in the confiscation proceeding.

5. The Divisional Forest Officer-cum-Authorized officer, Munger will hear the parties and thereafter pass a final order in the confiscation proceeding in accordance with law.

6. Since no fruitful purpose will be served in keeping the vehicle seized, therefore, considering the law laid down by the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujrat** reported as **2002 (10) SCC 283**, during pendency of the confiscation proceeding, the vehicle in question i.e., TATA ACE bearing Registration no. BR08G/5386 shall be release subject to the following conditions:

*(i) The petitioner shall furnish all the necessary papers/documents of ownership and security bonds (not bank guarantee) as may be deemed fit and proper by the concerned/competent authority.*



*(ii) The petitioner shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred/sole in favour of any third party during the pendency of the proceeding and that the vehicles, in question, shall be produced as and when called upon or required in the proceeding or otherwise.*

*(iii). If any jurisdictional objection is taken by the petitioner that shall also be considered by the authority concerned. The petitioner will also co-operate with the authorities till disposal.*

7. This writ petition is disposed of with the aforesaid directions.

**(Sandeep Kumar, J)**

P. Kumar

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