

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15445 of 2022

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Ritesh Kumar son of Mahendra Singh, Resident of Village-Suara, P.S.-Dehri,
District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Forest and Environment Department, Govt. of Bihar at Patna.
2. The Secretary, Forest and Environment Department, Govt. of Bihar at Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Divisional Forest Officer-cum-Authorised Officer, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Uma Shankar Singh
For the Respondent/s	:	Mr.Anant Pd. Singh (Sc15)
		Ms. Deepika Sharma, AC to SC 15

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 10-11-2025 Heard the parties.

2. This writ application has been filed on behalf of the
petitioner for the following reliefs:-

*(i) For the issuance of an
appropriate Writ to quash the Order dated
7.4.2021, passed in Forest Revision Case
No.29 of 2020 by the Secretary, Forest and
Department, Govt. of Environment Bihar,
Patna (Respondent No.2) as contained in
Annexure-4 and further to direct the
Respondent No.2 to decide the Revision in
accordance with law.*

*(ii) For the issuance of an Order,
directing the Respondent No.2 to dispose off*



the Confiscation Proceeding against the petitioner's vehicle in accordance with law, following the directions, issued by this Hon'ble Court time to time.

(iii) For the issuance of an appropriate Writ/Order/Direction, directing the Respondent-Authorities or Respondent No.4 to drop the Confiscation Proceeding against the seized vehicle of the petitioner, bearing Reg. No. UP64T/3617 in connection with Dehri (T) P.S. Case No.407 of 2015, confiscated in Confiscation Case No.25/2016(C) during the pendency of the present writ petition or till the final disposal of Dehri (T) P.S. Case No.407 of 2015, pending in the Court of Learned S.D.J.M., Dehri, Rohtas.

(iv) For the issuance of an appropriate Writ to quash the Order dated 20.12.2016 in Confiscation Case No.25/16 (C) passed by the Divisional Forest Officer-cum-Authorized Officer, Rohtas, Sasaram (contained in Annexure-3).

(v) For the issuance of an appropriate Writ to quash the Order dated 11.2.2020 in Confiscation Appeal No.52/2017 passed by the Collector-cum-District Magistrate, Rohtas (Sasaram) (contained in Annexure-4).

(vi) For the issuance of an



appropriate Writ to quash the Order dated 7.4.2021 in Forest Revision No.29 of 2020 and further for a direction to the Respondent No.2 to drop the Confiscation proceeding against the petitioner.

3. In brief, the facts of the case is that the petitioner is the owner of Vehicle bearing Registration No. UP64T/3617 which has been subjected to Dehri (T) P.S. Case No.407 of 2015 and the same has been seized alleging that the vehicle has been found in Forest Area on 1.9.2015 and an F.I.R. to this effect along with Seizure List has been filed in the Court of Learned S.D.J.M., Dehri, Rohtas.

4. It would be relevant to state here that a Confiscation Case No.25 of 2016 (C) was also started before Respondent No.4 with respect to the seized vehicle in Dehri (T) P.S. Case No.407 of 2015 and the claim of the petitioner in Confiscation Proceeding was also finally disposed off on 20.12.2016 against the petitioner by Respondent No.4 and his vehicle has been confiscated illegally.

5. Thereafter, the petitioner moved in Appeal before the Respondent No.2 (The District Magistrate, Rohtas) aggrieved by the Order of Respondent No.4 dated 20.12.2016 by way of Forest Appeal No. 52 of 2017 and had also prayed for



interim relief to release the seized vehicle but the same has been dismissed by the Order dated 11.2.2020 on flimsy grounds, without considering properly the case in accordance with law.

6. Being aggrieved by the order dated 11.2.2020, the petitioner moved in revision vide Revision Case No.29 of 2020 before the Secretary, Forest Department (Respondent No.2) but the same has also been rejected on 7.4.2021 without proper consideration and on flimsy grounds.

7. It has been submitted by the learned counsel for the petitioner that the proceedings with regard to Dehri (T) P.S. Case No.407 of 2015 was initiated on 1.9.2015 but till date the criminal case has not been disposed off and the impugned orders are not based on sound reasoning and are based on flimsy grounds and therefore they may be quashed.

8. Learned counsel for the petitioner has also relied upon the judgment of the Hon'ble Supreme Court in the case of *State of M.P. and Ors. Vs. Kallo Bai reported in (2017) 14 SCC 502*. He has also relied upon the judgments of this Court passed in the case of *Dhananjay Kumar Vs. State of Bihar reported in (2013) SCC OnLine Pat 1052* and in the case of *Shivaji Singh Vs. State of Bihar (CWJC No. 16237 of 2017)*.

9. Learned counsel for the State, relying on the



impugned orders, has opposed the prayer of the petitioner.

10. I have considered the submission of the parties and have also perused the materials on record.

11. From the seizure list, it appears that the vehicle in question, belonging to the petitioner, was seized and confiscation proceeding was initiated but no material has been produced by the forest officials to show that the vehicle in question was engaged in transportation of stone chips without valid license.

12. The forest authorities have presumed that the vehicle in question, which was found empty, was involved in illegal activity i.e. transportation of illegal stone chips. Also, in the impugned order of confiscation by the Divisional Forest Officer, Rohtas at Sasaram, no evidence or material that the vehicle in question was involved in illegal transportation of stone chips.

13. In the opinion of this Court, until and unless there is some evidence on record which shows that the vehicle was illegally transporting forest goods, it cannot be confiscated.

14. In view of the above discussions, this application is allowed.

15. Accordingly, the orders dated 7.4.2021, 11.2.2020



and 20.12.2016 are hereby set aside.

16. The sureties furnished by the petitioner at the time of interim release of the vehicle in question are hereby discharged.

(Sandeep Kumar, J)

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