

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65296 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Jehanabad

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Chotan Sharma @ Chhotan Sharma @ Dhananjay Kumar S/o Parmanand
Singh @ Jangi Singh @ Jangi Sharma R/o Village- Serthua, P.O.- Ginji, P.S.-
Hulasganj (Ghosi), District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-09-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Forest Case no.10 of 2024 (Trial no.2109/2024), registered under sections 41(b) and 41(h) of the Indian Forest Act, 1927 and sections 5 and 12 of the Bihar Saw Mills (Regulation) Act, 1990.

3. As per the prosecution case, on a raid being conducted by the Forest Officer, Jehanabad, it is stated that from the *Aara* Machine of the petitioner, *chiran* wood was seized and no document with respect to the same was produced by any person. Hence the F.I.R.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. No incriminating article has been recovered from the possession of the petitioner. So far as the alleged saw mill from which the recovery is said to have taken place, it is categorical case of the petitioner that the same does not belong to him. Further referring to the provisions under which cognizance has been taken, learned counsel submits that while section 41 of the Indian Forest Act, 1927 deals with the power to make rules and to regulate transit of forest produce, section 42 of the Act on contravention of the provisions of the Act provides for punishment which may extend to imprisonment of six months or fine up to Rs.500/- or both. Further section 5 of the Bihar Saw Mills (Regulation) Act, 1990 deals with application for licence and section 12 is the provision with respect to appeal by any person who may be aggrieved by the order of refusal of a Licensing Officer to grant or renew licence. Learned counsel submits that section 14 of the Act of 1990 deals with penalty which is imprisonment for a term which may extend to one year or with fine which may be extend to Rs.10,000/- or both. Learned counsel submits that even in case of conviction under the provisions as stated herein above, the petitioner may not be required to undergo even a single day of imprisonment. It is



submitted that the petitioner who has no criminal antecedent be enlarged on anticipatory bail.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, this Court finds substance in the submissions made by learned counsel for the petitioner as noted herein above. Considering the fact of the petitioner having no criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Forest Case no.10 of 2024 (Trial no.2109/2024) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad.

(Partha Sarthy, J)

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