

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22117 of 2018

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Amit Kumar Son of Nand Kishore Singh Resident of Mohalla- Company
Sarai, Sasaram, Police Station- Sasaram T, District- Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Forest Department,
Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram
3. The Divisional Forest Office-cum-Authorized Officer, Rohtas Forest
Division, Sasaram, District- Roh

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Mr. Gajendra Pd.Yadav, SC-17

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 22-07-2025 Heard learned counsel for the petitioner and learned
counsel appearing for the State.

2. The petitioner has filed this writ application for
issuance of writ of mandamus for directing the respondent no.3
to provisionally release the truck of the petitioner bearing
Registration No.UP65AR/9965, which has been seized in
connection with Confiscation Case No.46 of 2018 arising out of
Forest Case No.26 of 2018 under Sections 33,41 and 42 of the
Indian Forest Act.

3. There is nothing available on record to ascertain
whether the Confiscation Case No.46 of 2018 has been finally
decided or is still pending. Taking into account that this case has



remained pending for more than seven years and after almost seven years this case has been listed for the first time today in 2025, keeping the interest of the petitioner in mind, the Court proposes to pass the following order for provisional release of the truck of the petitioner bearing Registration No.UP65AR/9965 in following terms:

(a) If the Confiscation Case No.46 of 2018 is still pending and has not been finally decided, then the petitioner shall produce all original papers supporting the ownership of the vehicle in question including the registration papers, insurance papers, the tax token and the pollution certificate before the authorized officer respondent no.3 for provisional release of the vehicle. The petitioner shall also file an undertaking in the form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings and shall produce the vehicle as and when required in the confiscation proceedings. The petitioner shall also furnish such security as deem fit and proper by the authorized officer respondent no.3 which shall neither be in the form of cash nor bank guarantee and if all these formalities are met with in strict terms then the authorized officer shall release the vehicle of the petitioner which shall be



governed by the final outcome of the confiscation proceedings.

4. It is, however, observed that if during the pendency of this writ application the final order has already been passed in Confiscation Case No.46 of 2018 then the vehicle in question shall not be released in favour of the petitioner and the petitioner would be at liberty to challenge the same by filing a statutory appeal under Section 52A of the Indian Forest Act before the District Magistrate, Rohtas at Sasaram.

5. With the aforesaid observation and direction the present writ application stands disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

