

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2471 of 2026

Arising Out of PS. Case No.-23 Year-2023 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

Shivnath Sharma Son of Sushil Sharma @ Nathuni Sharma Resident of Vill. -
Mahuawa, P.S.- Kumarbagh, Block - Chanpatiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-02-2026 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Forest Case No. 23F of 2023, registered for the offences
punishable under Sections 41 and 42 of the Indian Forest Act,
1927 and Section 5, 8, 9, 10, 12, 13 and 14 of the Bihar Saw
Mills (Regulation) Act, 1990.

3. Based upon the written report of the forest officer
the present FIR came to be instituted with an allegation that the
petitioner is found engaged in running an illegal saw mill by the
side of a road. On raid, a sheesham log was recovered, besides
some other articles.



4. Learned Advocate appearing on behalf of the petitioner submitted that the present FIR came to be instituted on an anonymous complaint. The petitioner has no concern with the saw mill from where the alleged recovery has been made. The search list witnesses are members of the raiding team and they are not independent witnesses. The entire search and seizure has been made in complete defiance of Section 100 of the Code of Criminal Procedure; moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the informant has received a secret information that the saw mill was being run illegally by the petitioner.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the specific assertion made by the petitioner that he has no concern with the saw mill which was seized and from where the recovery has been made, besides the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a



copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran/Successor Court in connection with Forest Case No. 23F of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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