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**(2004) 01 JH CK 0023**

**Jharkhand High Court**

**Case No:** WP (C) No. 2703 of 2001

Shatrughan Singhal

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision:** Jan. 6, 2004

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Citation:** (2004) 1 JCR 720

**Hon'ble Judges:** Amareshwar Sahay, J

**Bench:** Single Bench

**Advocate:** M.K. Habib, for the Appellant; Shamim Akhtar, SC II, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

In this writ petition the petitioner has challenged the order as contained in Annexure 9 to the writ petition passed by the Revisional Authority-cum-Secretary, Ministry of Forest and Environment, Govt. of Jharkhand, Ranchi dated 24.4.2001 whereby the Revisional Authority set-aside the order of the Appel-late Authority-cum-Deputy Commissioner directing the truck No. DL-IGB- 2311 together with Katha weighing 210 K.G. were ordered to be confiscated.

2. The main ground for challenge of the order of the Revisional Authority is that whole confiscation proceeding was vitiated as the seizure of the truck in question was made by the Forest Guard who was not authorized under the law to confiscate any vehicle and therefore, the entire confiscation proceeding was ab initio.

3. The submission of the learned counsel for the petitioner is devoid of any merit in view of the decision of the Full Bench in the case of Bijay Krishna Sahay v. State of Bihar and Ors., reported in 1998 (2) E C C 359 , wherein, the Full Bench has held that

illegality of search and seizure will have no bearing on the confiscation proceeding and the criminal case. Neither the criminal cases will fail nor would the confiscation proceeding become non maintainable even if search and seizure are illegal.

4. In view of the decision of the Full Bench referred to above I do not find any merit in this writ petition. It is accordingly dismissed.