



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 3946 OF 2026 (GM-FOR)

BETWEEN:

SRI. SHIVARAMA,
S/O. LAKSHMANA POOJARY,
AGED ABOUT 36 YEARS,
PRESENTLY RESIDING AT
KINNIKOPPALA MORJE HOUSE,
PELATHABETTU VILLAGE AND POST,
BANTWAL TALUK - 574 214.

...PETITIONER

(BY SRI. R.K. MAHADEVA., ADVOCATE)

AND:

STATE OF KARNATAKA,
BY RANGE FOREST OFFICER,
VENOOR, KUNDAPURA DIVISION,
D.K - 574 214

...RESPONDENT

(BY SRI.VIKAS ROJIPURA, AGA)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ALLOW THE PETITION AND SET ASIDE THE PORTION OF CONDITION NO. II I.E., THE PETITIONER SHALL FURNISH A BANK GUARANTEE FOR A SUM OF RS. 1.5 LAKHS OF ANY NATIONALIZED BANK FOR ONE YEAR AND THE SAID BANK GUARANTEE SHALL BE CONTINUED TILL DISPOSAL OF THE CASE IN FOC NO. 20/2019 DATED 24.01.2020 VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner, in the present writ petition, calls in question the legality and correctness of the condition imposed by the Court below while allowing the application filed under Section 457 of the Code of Criminal Procedure, 1973. The grievance of the petitioner is limited to the extent that he has been directed to furnish a bank guarantee as a pre-condition for release of the seized vehicle.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Advocate appearing for the respondent–State.

3. Upon perusal of the material on record, it is not in dispute that the subject vehicle was seized in connection with offences alleged under the provisions of the Indian Forest Act, 1927 (for short, 'the Act'). In this regard, it is relevant to advert to Section 63 of the Act, which governs the release of property, including vehicles, involved in forest offences. The said provision does not confer any discretion on the Court to release the seized vehicle without insisting upon adequate security. On the contrary, it mandates that release can be ordered only upon furnishing of a bank guarantee or deposit equivalent to the value of the vehicle, as assessed by the competent authority.



4. This Court, in a catena of decisions, has consistently held that in cases involving seizure of vehicles for forest offences, compliance with the requirement of furnishing a bank guarantee equivalent to the assessed value of the vehicle is mandatory and cannot be waived. The condition imposed by the Court below is thus in consonance with the statutory mandate as well as the settled legal position.

5. In that view of the matter, this Court does not find any infirmity or illegality in the impugned order, particularly insofar as it directs the petitioner to furnish a bank guarantee for release of the vehicle.

Accordingly, the writ petition, being devoid of merits, stands ***dismissed***.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

HDK