

GAHC010022202023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./399/2023

BIPLAB CHANDRA DAS AND ANR
S/O- LATE NAKUL CHANDRA DAS, R/O- VILL.- GOLAPARA, P.O.
GOLAPARA, PS. ABHAYAPURI, DIST. BONGAIGAON, ASSAM

2: RAGHUNATH DAS
S/O- LATE NAKUL CHANDRA DAS
R/O- VILL.- GOLAPARA
P.O. GOLAPARA
PS. ABHAYAPURI
DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY SC, WILD LIFE FOREST, ASSAM

Advocate for the Petitioner : MR. T K MISRA

Advocate for the Respondent : SC, WILD LIFE PROTECTION

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 09.02.2023

Heard Mr. T.K. Mishra, learned counsel for the petitioners. Also

heard Mr. S.M. Hussan, learned counsel appearing on behalf of Mr. D. Gogoi, learned standing counsel for the Forest Department.

2. The petitioners, who were arrested on 26.12.2022, are seeking regular bail under section 439 Cr.P.C. in connection with Case No. KR/OR/15 dated 26.12.2022, under sections 9/39/49(B)/51 of the Wildlife Protection Act, 1972, registered by the Jurisdictional Forest Ranger Officer, Manas Tiger Reserve.

3. The learned counsel for the respondent has produced the case records, which reveals that the petitioners are involved in the transportation of endangered lizard species, i.e. Tokay Gecko, which is covered by the Schedule-IV of Sl. No. 15-A of the Wildlife (Protection) Act, 1972.

4. Be that as it may, as the petitioners have suffered custody of 45 days as on date, the Court is of the considered opinion that further custodial interrogation of the petitioners may not be necessary. Hence, the Court is inclined to grant bail to the petitioners, namely, (1) Biplab Chandra Das, and (2) Raghunath Das in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- each with one solvent surety of like amount to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bijni.

5. Bail is granted on the following conditions:

- I. The petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.
- II. The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts

of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. The petitioners shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioners shall not misuse their liberty in any manner.

V. The petitioners shall appear before the I/O within 15 (fifteen) days from the date of their release and he shall continue to appear once in every month till their appearance is dispensed with by I/O or charge-sheet is filed, whichever is earlier.

6. If the investigating agency finds that the petitioners are involved in similar offence, it would be open for them to move the jurisdictional Court and apply for cancellation of bail.

7. This application stands disposed of.

8. Case records produced by the learned counsel for the respondent is returned.

JUDGE

Comparing Assistant