

GAHC010055412023



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

Case No. : Bail Appln./957/2023

SANGIT GUPTA
S/O CHANDRASHEKHAR DAS GUPTA
R/O VILL- SIMRI,
DIST. DARBHANGA, BIHAR,
PRESENT ADDRESS- BOGALAMUKHI ROAD, NEAR STATE BANK OF
INDIA,
KAMAKHYA, GUWAHATI-781010

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K SINGH

Advocate for the Respondent : SC, WILD LIFE PROTECTION

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 24.03.2023

Heard Mr. N. Anand, learned counsel for the petitioner. Also heard
Mr. S.M. Hassan, learned standing counsel for the Wildlife.

2. The petitioner, who was arrested on 25.01.2023, is seeking regular bail under section 439 Cr.P.C. in connection with Offence No.G/61 of 2023 dated 24.01.2023, under sections 9/39/40/44/48A/49A/49B of the Wildlife (Protection) Act, 1972.
3. This is the second bail application. The previous bail application was rejected by order dated 22.02.2023, passed in Bail Appln. No. 400/2023.
4. The learned standing counsel for the respondent has produced the case records.
5. On perusal of the case records, it appears that, several body parts of the endangered wildlife has been seized by the I/O from the custody of the petitioner and other co-accused, which are as follows: (1) Porcupine spikes, Sch-I-39 nos., total weight-0.02 kg approx; (2) Suspected Deer Musk, Sch-I- 03 nos., total weight- 0.5 kg approx; (3) Cut piece of deer antler, Sch-I-01 nos. Length-14cm, Girth-13cm, total weight 0.25 kg approx; (4) Body parts of wild animal (suspected to be Monitor Lizard), Sch-1-96 nos., total weight- 1.2 kg approx; (5) Suspected skull bone of Jackal, Sch-I-12 nos., total weight- 0.05 kg approx; (6) Suspected tiger claws, Sch-I-74 nos., total weight- 0.5 kg approx; (7) Tiger Cowrie-53 nos., total weight- 3.3 kg approx; (8) Horned Helmet sea shell (Sc. Name-Cassis cornuta), Sch-I-05 nos., total weight- 5.8 kg approx; (9) Australian trumpet sea shell-01 nos., total weight- 1.5 kg approx; (10) Jaws of wild animal (suspected to be of Jackal), Sch-I, total weight- 0.02 kg approx; (11) Sea pens, Sch-I-10 nos., total weight- 0.1 kg approx; and (12) Black corals, Sch-I-84 nos., total weight- 0.3 kg approx.

6. Therefore, it appears that there are sufficient incriminating materials against the petitioner of committing offence punishable under various provisions of the Wildlife (Protection) Act, 1972.

7. Although the learned standing counsel for the respondent has opposed the prayer for bail, but considering that the petitioner is in custody for last 58 days, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Sangit Gupta in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metropolitan), Guwahati.

8. Bail is granted on the following conditions:

- I. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
- II. The petitioner 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. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.
- III. The petitioner shall not obstruct the smooth progress of the investigation/trial.
- IV. The petitioner shall not misuse his liberty in any manner.
- V. The petitioner shall appear before the I/O within 10 (ten) days from

the date of his release, and continue to appear once in every month till his appearance is dispensed with or till final offence report/complaint has been filed, whichever is earlier.

VI. Along with the bail bond, the petitioner shall submit a proof of his permanent residence at Bihar in original, which after verification, shall be returned to him after retaining compared photocopy on record.

9. This application stands disposed of.

10. Case record is returned.

JUDGE

Comparing Assistant