

GAHC010062112024



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

Case No. : Bail Appln./888/2024

BASANTA PRADHAN
S/O SRI JIT BAHADUR PRADHAN, R/O VILL- SADHU BASTI, P.S.-BEHALI,
DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
ARANYA BHAWAN
PANAJABARI
GUWAHATI
ASSAM

3:THE FOREST RANGE OFFICER
BORGANG RANGE
BORGANG
DIST-BISWANATH
ASSAM

4:THE FORESTER-I
THE FOREST RANGE OFFICER
BORGANG RANGE
BORGANG
DIST-BISWANATH
ASSA

Advocate for the Petitioner : MS N DEKA
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

22.04.2024

Heard Mr. S. Dey, learned counsel appearing for the accused petitioner as well as Mr. D. Gogoi, learned standing counsel, Wildlife.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Basanta Pradhan**, has prayed for grant of bail in connection with **Case No.BG/WL/64/2023-24** dated **12.03.2024** under Sections **9/44/48A/50/51/52 of Wildlife Protection Act.**

It is submitted by the learned counsel for the petitioner that the petitioner is detained in judicial custody for last 39 days since his arrest i.e. on 14.03.2024. He further has submitted that nothing was recovered from his possession. The petitioner used to stay near the garden and as such he was apprehended. No notice under Section 41(A) has been sent to the petitioner prior to his arrest. Learned counsel has, therefore, prayed that considering the length of detention, bail prayer of the petitioner may be considered.

Mr. Mr. D. Gogoi, learned standing counsel, Wildlife has produced the offence report and vehemently objected the bail prayer of the petitioner.

I have heard the submission of the learned counsel for both the parties and also perused the offence report.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.30,000/-** with **one suitable surety** of the like amount, to the

satisfaction of learned **Chief Judicial Magistrate, Biswanath.**

The direction for bail is further subject to the conditions that the petitioner:

- (a) shall not leave the territorial jurisdiction of learned CJM, Boswanath without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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 the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant