

GAHC010158582024



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

Case No. : Bail Appln./2354/2024

BIPIN NARZARY
S/O LATE SIMION NARZARY, R/O VILL- OXIGURI FV, P.O.-RAIMONA, P.S.-
GOSSAIGAON, DIST- KOKRAJHAR, BTR, ASSAM, PIN-783350

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S K SARKAR, MS R KALITA, MS S BAYAN, MRS V L BHATTACHARJEE

Advocate for the Respondent : PP, ASSAM, MR. D GOGOI, SC, FOREST DEPARTMENT

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28-08-2024

Heard Mr. S.K. Sarkar, learned counsel appearing for the accused-petitioner as well as Mr. D. Gogoi, learned Special PP, Forest Department.

By filing this petition under Section 483 of the Bharatiya Nagarik Suraksha

Sanhita 2023, the accused-petitioner, namely, **Bipin Narzary**, has prayed for grant of bail in connection with **Memo No. WR/65/Offence/2024/245 with Ref: OR No. WR/06 of 2024 dated 18.07.2024 registered U/S 9/39/49B/51 of Wildlife (Protection) Act, 1972.**

It is submitted by the learned counsel for the petitioner that the accused petitioner has been languishing in custody for last 42 days since his arrest on 18.07.2024.

The allegation against the petitioner is that 4 nos. of carcass of Bengal Monitors which is a Schedule I, Part-C reptiles were seized from the possession of the accused-petitioner and another person who fled away from the scene. It is also submitted that the statement of the accused-petitioner has already been recorded by the Deputy Conservator of Forest which transpires that substantial part of investigation is complete.

In response, Mr. D. Gogoi, learned Special PP, Forest Department produced the Case Diary and the latest Status Report of the case which reveals that the petitioner along with another person were found inside the Raimona National Park. It is also submitted that the petitioner admitted while his statement was recorded by the Conservator of Forest that he has been involved in hunting the reptiles. However, the length of detention may be considered.

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.40,000/-** with **a suitable surety** of the like amount to the satisfaction of the learned SDJM(M), Gossaigaon.

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

(a) shall not leave the territorial jurisdiction of learned SDJM(M), Gossaigaon 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