

GAHC010184172024



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

Case No. : Bail Appln./2692/2024

ABDUL HASIM AND ANR
S/O MD. AMSAR ALI
R/O VILL- DEOPANI
P.S. JAKHALABANDHA, IN THE DISTRICT OF NAGAON, ASSAM

2: AKASH ALI
SON OF MD. ABDUL MOJID
R/O VILL- HARMOTI
P.S. JAKHALABANDHA
IN THE DISTRICT OF NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LD. SPL. PP, WILD LIFE DEPARTMENT.

Advocate for the Petitioner : MR SARFRAZ NAWAZ, SAMIM RAHMAN, MR S A BARBHUYAN, MR. SURAJIT DAS, MR A W AMAN

Advocate for the Respondent : SPECIAL PP ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 18.09.2024

Heard Mr. S.Nawaz, learned counsel for the petitioners as well as Mr. B.Sarma,

learned Special P.P., Wildlife respondent.

By filing this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023., the accused-petitioners, namely, **1. Abdul Hasim** and **2. Akash Ali** have prayed for grant of bail in connection with **O.R. Number KR/11/204** u/s 9/29/39/44/48(A)/49 (A)/49 (B) r/w Section 2 (16), Wildlife (Protection) Act, 1972 and punishable under Section 51 of Wildlife (Protection) (Assam Amendment) Act.

The matter relates to illegal trade of pipli cheng fish.

The learned counsel for the petitioners submits that the petitioners have been in judicial custody for last 44 days since their arrest on 06.08.2024. The petitioners are no way connected with the alleged offence and they have been arrested on the statement of co-accused persons. The recovered item were not seized from the possession of the petitioners and they are not named in the FIR. Considering the length of detention, petitioners may be enlarged on bail.

The learned Special Public Prosecutor has produced the offence report and submits that the seized fish are scheduled fish as per Wild Life Act. The petitioners are involved in trading of such fish.

Having heard the learned counsel for the parties and on perusal of offence Report, it appears that the petitioners are very much involved in illegal trade of Pipli cheng fish. However, considering length of detention, this Court is of the considered opinion that further detention of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** each with two sureties each of like amount to the satisfaction of the learned **SDJM, Bokakhat**, subject to the

following conditions;-

- (i) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (ii) That 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 the Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant