

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7241 of 2018**

- Siddharth Gupta S/o Late Shri Luvkush Gupta Aged About 40 Years R/o Gandhi Chowk, Tehsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Forest Department District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri Arvnind Shrivastava, Advocate.

For Non-applicant : Shri Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 5688/01/2018 registered at Police Station – City Kotwali Durg / Forest Department District Durg (C.G.) for the offence punishable under Sections 39A, 39B, 40, 49B, (1-A) and 51 of the Wild Life (Protection) Act.
3. Case of the prosecution, in brief is that on 12.09.2018 from the grocery shop of the applicant, at Gandhi Chowk, Durg 27 piece Hattha Joda (sex organ of monitor lizard), 436 Gram red colour Mayajal (sea fan), 18 piece brown colour Indrajal (sea fan), 325 piece Sahi Kanta (porcupine thorn), 146 piece Siyar Singhi (pieces of skull of Jackal), 1 piece

Kachhua Khol (tortoise shell), 500 Gram Hathi Dant Burada (powdered elephant tusk) which are prohibited under Wild Life (Protection) Act to collect and sell, have been seized.

4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Looking to the facts and circumstances of the case, looking to the huge quantity of the prohibited materials, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
7. Consequently, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE