

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9956 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 Sunil Otvani and Shri Rajat Agrawal, Advocates.
For Non-applicant	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.01.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 02.11.2018 in MCRC No. 7241 of 2018 considering the prima facie case against the applicant.
3. Perused the case diary provided by the counsel for the State in connection with the 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 Wild Life (Protection) Act, 1972.
4. 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.
5. Counsel for the applicant submitted that now charge sheet has been filed in the case in hand. Despite of letter of DFO Durg dated 14.09.2018 addressed to Director, Geological Survey of India, Kolkata and Nodal Officer, Wildlife Forensic and Conservation Genetics Shell, Deharadun no reports regarding identification have been given by the concerned officers. Marriage of the adopted daughter of applicant is to be performed in near future, thus he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Regarding marriage no specific particulars have been brought to the knowledge of this Court.
8. Aforesaid facts raised by the counsel for the applicant does not change the circumstances on the strength of which applicant may be released on bail in second round.
9. Accordingly, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE