

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.3936 of 2022

Bijay Mallik

.... ***Petitioner***
Mr. A. Tripathy, *Advocate*

-versus-

State of Odisha

.... ***Opp. Party***
Mr. K.K. Nayak, *A.S.C.*

CORAM:

JUSTICE A.K. MOHAPATRA

Order No.

ORDER
18.05.2022

01. 1. This matter is taken up through Video Conferencing Mode.
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in 2(b) CC Case No.06 of 2022 on the file of learned S.D.J.M., Nayagarh facing trial for the offence punishable under Sections 9/39(d)/4/48-A of the Wild Life Protection Act, 1972.
5. It has been alleged that the petitioner is illegal wild life raw meat of Indian Percupine recovered from the possession of the petitioner.
6. It is submitted on behalf of the petitioner that the petitioner is in custody since 07.04.2022 and they have no criminal antecedents.
7. Learned counsel for the State vehemently opposes the prayer for bail of the Petitioner.

8. Having heard learned counsel for the parties and considering the period of detention of the petitioner, it is directed that let the petitioner be released on bail on furnishing a bail bond of Rs.30,000/- (rupees thirty thousand) with one solvent surety for the like amount to satisfaction of the learned court in seisin over the matter subject to conditions that the petitioner shall not be involved in any similar nature of offence and he shall not tamper with the prosecution evidence in any manner whatsoever and shall not make any default in attending the court during trial on each date.

9. It is open for the court in seisin over the matter with such other conditions may deem just and proper.

10. It is further directed that the bail granted to the petitioner is subject to the condition that learned court below shall verify whether the petitioner has any criminal antecedents. In the event it is found that the petitioner has any criminal antecedents, this bail order shall automatically be revoked.

The Bail Application is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

(*A.K. Mohapatra*)
Judge