

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**BLAPL No.5592 of 2022**

***Padman Kodraka***

....

***Petitioner***

Mr. P.K.Mishra,  
Advocate

*-versus-*

***State of Odisha***

....

***Opposite Party***

Mr.S. Mishra,  
Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**  
**13.7.2022.**

**Order No.**

02.

1. This matter is taken up through hybrid mode.
2. Despite specific direction, the instruction relating to R.O.R. No.30/2022-23 has not been obtained. Learned State counsel informs that necessary communication was made in this regard by E. Mail to the D.F.O., Rayagada, but he has not received any report as yet. The Bail Application is, therefore, taken up for hearing on the basis of the materials available on record.
3. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.

4. The Petitioner is in custody since 24<sup>th</sup> May, 2022 in connection with O.R. No.48/2022-23 corresponding to 2(b)C.C. No.4/2022 pending in the court of learned S.D.J.M., Gunupur for the alleged commission of the offence under Sections 2(31)/2(36)/9/39/44/48/48-A/49/49-B of the Wild Life Protection Act.

5. It is alleged that the Petitioner and another person were in possession of elephant tusks, which they had intended to sell, but were apprehended. It is submitted by the learned counsel for the Petitioner that since the elephant tusks have been seized nothing further remains to be done so far as the investigation is concerned. It is further submitted that learned court below rejected the prayer of the Petitioner also on the ground that one leopard skin was seized from his possession in another case bearing No.2(b)C.C. No.3/2022. The Petitioner has enclosed a copy of the letter dated 22<sup>nd</sup> May, 2022 of the Forest Range Officer, Gunupur Range, which corresponds to 2(b)C.C. No.3/2022. In the said case one Jayanta Bibar has been named as the accused person.

6. Considering the submissions as above, the fact that the elephant tusks have been seized as also the period of detention of the Petitioner in custody, I am inclined to allow the prayer for bail. Let the Petitioner be released on bail on such terms and conditions as may be imposed by the court in seisin over the matter in the aforesaid case including the condition that he

shall personally appear before the court below on each date of posting of the case and in case of even a single default, necessary orders shall be passed by the court to take him to custody again and he shall not commit similar offence.

7. The BLAPL is disposed of.

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

*AKB*



*(Sashikanta Mishra)*  
*Judge*