

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.9314 of 2022

Sarat Behera & another

....

Petitioners

Mr. Jayadeba Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.10.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. The Petitioners are accused in 2(b)CC Case No.13 of 2022 pending in the file of learned S.D.J.M., Nayagarh, arising out of O.R. No.18N of 2022-2023, for offence under Sections 9/39(1b)/39(3) of the Wild Life Protection Act punishable under Section 51(1) of the Wild Life Protection Act and are in custody since 30.08.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh by order dated 19.09.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection.

6. It is submitted by the learned counsel for the Petitioners that co-accused persons have been released on anticipatory bail in ABLAPL No.11698 of 2022 by order dated 20.09.2022 and the Petitioners are the first offender.

7. Taking into account the release of the co-accused persons on anticipatory bail by this Court in ABLAPL No.11698 of 2022 by order dated 20.09.2022 and the Petitioners being the first offender as stated, this Court directs the Petitioners to be released on bail on such terms to be fixed by the learned court in seisin over the matter.

8. While enlarging the Petitioners on bail, learned court below shall verify the assertion regarding their criminal proclivity. If it comes to the fore that the Petitioners have any criminal antecedent this order shall stand recalled.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

PKS