

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 10706 of 2022

Debaraj Nayak

....

Petitioner

Mr. A.K. Sahoo, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.11.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in 2(b) C.C. Case No.13 of 2022, pending in the file of learned J.M.F.C., Ranpur, arising out of Tangi Range Officer, Tangi, Tangi O.R. Case No.6^T/2022-23, offence under Sections 51(1) of the Wild Life Protection Act, 1972.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Sessions Judge, Nayagarh by order dated 17.10.2022 in the aforementioned case, the present BLAPL has been filed.
5. It is submitted by the learned counsel for the petitioner that the petitioner is in custody since 03.10.2022 and as investigation has progressed substantially, further continuance of the petitioner in custody is not warranted.
6. Learned counsel for the State opposes the prayer for bail inter alia on the ground that offence under the Wild Life Protection

Act are increasing alarmingly and release of the petitioner pending investigation will send a wrong signal.

7. Considering the nature of allegation that the petitioner was in illegal possession of 30kgs of fresh meat of Bison (Gayal) and that he is a first offender, as stated, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally it is directed that the petitioner shall appear before the Enquiry Officer till submission of final O.R.

9. While enlarging the petitioner on bail, the learned court below shall verify assertion regarding his criminal antecedent of similar nature. If it comes to the fore that the petitioner has any such criminal antecedent, this order shall stand recalled without any further reference to this Court.

10. Accordingly, the BLAPL stands disposed of.

11. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge