

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21211 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Guddu Kumar @ Guddu Kumar Das Son Of Mantu Das Resident Of Village - Bela Colony Ward No.- 2 Watganj, P.S.- Piprakothi, District - East Champaran
 2. Bhautosh Das Son Of Mantu Das Resident Of Village - Bela Colony Ward No.- 2 Watganj, P.S.- Piprakothi, District - East Champaran
 3. Mantu Das Son Of Late God Chandra Das Resident Of Village - Bela Colony Ward No.- 2 Watganj, P.S.- Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners seeks bail in connection with
Official Complaint Case No. 05 of 2023 dated 02.02.2023,
instituted for the offence punishable under Sections 2(16),
2(36), 9, 39, 49(B), 40(2), 50 and 51 of the Wild Life Protection
Act, 1972.

3. The allegation is of recovery of 36 turtles from the
bag on the motorcycle of the petitioners.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have been falsely implicated in this



case. It is further submitted that nothing has been recovered from the possession of the petitioners rather they were apprehended only on the basis of suspicion because they were standing near the alleged motorcycle. He further submitted that search, recovery and seizure have been made in utter violation of the provisions of Sub-Section (4) of Section 100 Cr.P.C. Lastly, it has been submitted that the petitioners are in custody since 02.02.2023 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Official Complaint Case No. 05 of 2023.

(Khatim Reza, J)

Sankalp/-

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