

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42440 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Patna

Neeraj Kumar s/o Kamleshwar Kumar resident of mohalla- flat no. 403, Ram
Satya Kunj apartment, khagaul road, P.S.- danapur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Adv
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 07-08-2024 Learned counsel for the O.P. No. is permitted to file
counter affidavit.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Forest (G.O.) Complaint
Case No. 81(O) of 2024 dated 18.04.2024 registered for the
offences punishable u/s 9, 39, 49(b), 50 and 51 of the Wild Life
Protection Act, 1972.

4. As per the prosecution case, the tiger's skin and the
piece of the elephant's tusk were recovered from the possession
of the petitioner and the co-accused person with intent to sell.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the late Parmeshwar Rai who was the grandfather-in-law of the sister of the petitioner and before enactment of the Wild Life Protection Act, 1972, he was permitted to do hunting and it could be ascertained from the trophy itself. It is further submitted that the declaration has been made before the concerned officer that a skin of the tiger and an Elephant Tusk were made in possession of the family members of the Late Parmeshwar Rai who had hunted after taken due permission from the concerned Department. It is further submitted that the said recovery has been made from the Maruti Suzuki Ertiga which was parked in the premises of the petitioner's house. It is also submitted that said articles were kept in the boot space of the said Car to keep safe from the dogs as the maintenance work was going on in the petitioner's house. As per the Section 52(d) of the Indian Forest Bihar Amendment Act, 1989, the Forest officer not below the rank of Range Officer has right to search inspection search and seizure. It is further submitted that as per the Bihar Organization setup of the Bihar Forest Department, Forester is lower rank than the Ranger Officer, hence, Forester Mrs. Shilpi Kumari has no right to arrest, seize or search any place, premises or vehicle. It is



further submitted that the petitioner is not involved in the selling of the Tiger Skin or an Elephant Ivory. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.04.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the nature of allegation levelled against the petitioner as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna in connection with Forest (G.O.) Complaint Case No. 81(O) of 2024.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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