

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32315 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- FOREST (GOVERNMENT OFFICIAL)
District- West Champaran

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Sheikh Shahnawaz Son of Arsul Majid Resident of village - Sabeya, P.S.-
Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Forest Case No. 73-F of 2024 registered for the alleged offences under Sections 02, 09, 27, 29, 39, 49-B, 50, 51 and 52 of the Indian Forest Protection Act, 1972 and Section 50 of the Wild Life Protection Act, 1972.

3. As per prosecution case, during checking of vehicles, the forest officials found two motorcycles coming from Nepal to India. Two persons were riding one motorcycle and another person was on other motorcycle. When they were signaled to stop, the persons riding Nepali motorcycle were apprehended and the person riding Indian motorcycle fled away from the spot. The apprehended persons were searched and from



their possession, hide of leopard was recovered. The petitioner is stated to be the registered owner of the Indian motorcycle.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and has been made accused because he is the registered owner of the TVS Apache motorcycle. But it has nowhere been stated that any animal hide was being carried on said motorcycle. Rather, it was being carried on Nepali motorcycle of apprehended persons. Learned counsel further submits that nothing incriminating has been recovered from the conscious or constructive possession of the petitioner. Motorcycle was taken by his co-villager Ojair Ahmad for picnic at Thori and the petitioner was shocked to know that his motorcycle was seized in this case. The petitioner has not caused any harm to the wild life and was not violated any law in this regard. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the possession of the



petitioner and also considering the vague and doubtful nature of case against the petitioner and probability of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, West Champaran/ court concerned in connection with Forest Case No. 73-F of 2024, subject to the condition laid down under section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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