

07.01.2025

Item No.5

Ct.No.2

dc.

Rejected

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (SB) 1 of 2025

In Re : An Application for bail under Section 483 BNSS, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) filed in connection with Lataguri Range P.O.R No. 1/LT of 2024-2025 dated 02.04.2024 under Sections 9/39/49(b)/51 of Wild Life (Protection) Act, 1972 corresponding to C.R. Case No. 240/2024 pending before learned Chief Judicial Magistrate, Jalpaiguri.

And

In Re : **Wangdi**

... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Sayantani Das

... For the Petitioner.

Mr. A. S. Chakraborty, APP,
Mr. Aniruddha Biswas

... For the State.

The petitioner has preferred the present application for bail in connection with Lataguri Range P.O.R No. 1/LT of 2024-2025 dated 02.04.2024 under Sections 9/39/49(b)/51 of Wild Life (Protection) Act, 1972 corresponding to C.R. Case No. 240/2024.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since the date of his arrest i.e. for a period of 280 days, yet he was not released on bail and even after more than nine months in custody, charges could not be framed so that there may be a clear picture that the petitioner within a schedule time will get justice.

Mr. Biswas, learned advocate appearing for the State submits that the petitioner happens to be a Bhutanese national who was apprehended red-handed along with prohibited items under the relevant Act and the prosecution authorities have put in best of their efforts, as such evidence before charge has already been concluded and it is at a belated stage, the petitioner took up the plea that he is unable to understand the court proceedings and requires a translator for which the consideration of charges has been postponed for a considerable period of time. According to the learned advocate for the State, the next date has been fixed on 13.01.2025 for passing necessary orders in respect of the application for interpreter/translator which has been filed on behalf of the petitioner.

I have considered the merits of the case, the period of detention of the accused as also the diligent steps taken on behalf of the prosecution. Having considered that the petitioner happens to be a foreign national and at this interregnum stage during the consideration of the charges, the prosecution has no fault, I am of the view that the petitioner has failed to make out a case for being released on bail. As such, the prayer for bail of the petitioner is **rejected**.

The application for bail, being CRM (SB) 1 of 2025, is, thus, dismissed.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)