

11.06.2025

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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(M) No. 49 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POR No. 01/LKP of 2024-2025 dated 01.04.2024 under Sections 3/39/49(b)/51 of Wild Life (Protection) Act, 1972.

And

In Re : Rikoch Narjari petitioner

Mr. Sandeep Dutta
Mr. Anirban Banerjee
....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Ujjwal Luksom
Mr. Aniruddha Biswas
... for the State

This is an application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (in short “BNSS”) in connection with POR No. 01/LKP of 2024-2025 dated 01.04.2024 under Sections 3/39/49(b)/51 of Wild Life (Protection) Act, 1972.

Mr. Dutta, the learned advocate appearing for the petitioner, submits that one Forest Ranger of Lankapara Forest Range, Mr. Ayan Chakraborty, lodged the FIR and allegedly seized incriminating articles from the possession of the petitioner. He further submits that Mr. Chakraborty conducted the investigation and also submitted the charge-sheet. According to him, Mr. Chakraborty had no authority to conduct such investigation, as he was attached to the Alipurduar District Forest Division. He further contends that the petitioner has

been falsely implicated in the present case on the basis of the alleged seizure of a rhino horn. It is also submitted that there was no independent witness to the said seizure. According to him, these circumstances have weakened the prosecution case. He therefore prays that, in view of the above facts, the petitioner may be enlarged on bail.

Mr. Biswas, the learned advocate appearing for the State, vehemently opposes the petitioner's contention. He submits that the petitioner is a habitual offender and has been convicted in two cases initiated under the Wild Life (Protection) Act, 1972. The petitioner has already served the sentence in one case and is currently undergoing sentence in another. He further submits that the petitioner is a kingpin, and following his arrest along with some of his associates, incidents of illegal activities, including wildlife poaching, have significantly declined in the region. He also informs the Court that the trial is at its final stage and, except for one, all other witnesses have already been examined.

Heard the learned Advocates representing both parties and perused the Case Diary along with other materials on record. Admittedly, the present case has been initiated under Section 51-A of the Wild Life (Protection) Act, 1972, along with other provisions of the said Act. The petitioner is not in a position to deny that he has been convicted in two earlier cases. He also does not deny that he is currently serving a sentence in connection with another case. The provisions of Section 51-A of the said Act make it clear that no person who has been previously convicted of an offence under this Act shall be released on bail unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and is not likely to commit

any offence while on bail. The petitioner has failed to produce any material or satisfy this Court that the statutory embargo is not applicable to him. Therefore, taking note of the above facts, I am of the view that this is not a fit case for granting bail to the petitioner at this stage.

Accordingly, application for bail is, thus, rejected.

(Partha Sarathi Chatterjee, J.)