

Present Mr. C. B. Gogoi, Sessions Judge,

Sonitpur, Tezpur

Misc.(Crl) Case No. 238/2021

ORDER

04-08-2021

Seen petition No. 792/2021 filed by Sansuma Brahma seeking bail for accused Bolen Brahma, in connection with NNP/Offence/(01/21-22)/2021-642-43 dated 11-07-2021 u/s 27/29/31/35/38(V)/39/52 r/w Section 51 of Wild Life Protection Act.

I have heard the learned lawyers appearing for both sides and also gone through the contents of the offence report received today.

Learned counsel appearing for the State submitted that accused have committed serious offence of destroying our reserve forest by illegally cutting trees and carrying the same through river water. The act of the accused alleged in the offence report is very serious in nature. So, it is submitted that accused person do not deserve bail.

On the other hand, learned counsel appearing for the accused Sri B.K. Basumatary arduously contended that the present accused Bolen Brahma is a daily wage earner who somehow manages his family. He was unfortunately arrested by forest officials while collecting broken wooden pieces on the river Bhorolu carried by flowing water. Therefore, the learned counsel for accused Bolen Brahma prays to release the accused on bail contending that accused has been in judicial custody for about a month and his further detention in the custody is not required for the purpose of further investigation.

Having heard the learned counsel appearing for both sides and on careful perusal of the offence report including the statement of the accused persons recorded by forest officials clearly reveals that accused were accustomed to such illegal acts of cutting forest resources by illegally entering into the reserve forest equipped with cutting instruments. As it transpires, accused was caught red-handed by forest officials while carrying the illegally cut forest produce through river water towards Rihajuli Village equipped

with cutting instruments/machinery worth Rs. 45,000/- (Rupees Forty Five Thousand).

Having considered the offence report, this court fail to appreciate the submission of learned counsel for accused that accused is a poor person and merely collected wood floating in the river water but the offence report reveals that accused are constantly involved in destroying forest produce in reserve forest and carrying the cut forest produce through river water for illegal trade. As it appears, the rampant destruction of forest is going on everyday posing a great threat to the ecological balance. The forest cover is reducing day by day because of illegal felling of trees for personal gain. Moreover, the offence report reveals that there were several other accused were involved and the main culprits are yet to be apprehended.

Therefore, considering the nature of the offence, this court do not consider it a fit case to grant pre-arrest bail to accused Bolen Brahma. In the result, bail petition stands rejected.

Send back the offence report in seal cover.

Accordingly, the bail petition is disposed off.

Sessions Judge
Sonitpur, Tezpur