

Misc. (Crl) Bail Case No. 427 of 2021.

O R D E R.

29-11-2021.

Seen the petition No. 1290/ filed by Md. Rahimul Ali and Md. Saidul Islam seeking bail in connection with Offence No. S 135 dated 24-10-2021.

I have heard the learned lawyers appearing for both sides and also gone through the record.

As per contents of the forwarding report 25-10-2021 accused were arrested by forest officials for committing forest offence in violation of section 34,35,40, 60 (i) of Assam Forest Regulation Act and 49 of Assam Forest Regulation (Amendment) Act, 1995

Learned counsel for accused contended that accused were carrying forest produce for construction of house from private persons not from any forest. So, it were not forest property. Moreover, it is stated that accused have been in custody since 24-10-2021. But so far forest official failed to submit any offence report showing the complicity of the accused persons with the alleged offence.

Having heard the learned counsel and on consideration of the fact of the case, it transpires that forest official alleged seized 138 pieces of hand sawn timber and cash amount of Rs. 54,410/- along with a Borelo Pick Up bearing registration No. AS 12 B 7148.

It is also seen that on two occasions forest official failed to submit detail offence report. Moreover, it is seen that accused have been in jail for about 36 days. Therefore, considering the period of detention, both the accused are enlarged on bail of Rs. 10,000/- (Rupees ten thousand only) each with one local surety to the satisfaction of learned Elaka Magistrate.

Accordingly, the bail application is disposed off.

(C.B. Gogoi)
Sessions Judge,
Sonitpur, Tezpur.