

**ORDER-SHEET FOR MAGISTRATE'S RECORDS**  
**DISTRICT : SONITPUR.**  
**IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR**  
**Criminal (Bail) No. 239/2022**

**Jonali Narah Payeng**

**Vs.**

**State of Assam**

<b>Sl. No. of Orders</b>	<b>Date</b>	<b>Order</b>	<b>Signature</b>
	<b><u>02-06-22</u></b>	<p>This is an application u/s 439 Cr.P.C. filed by Jonali Narah Payeng seeking bail for accused Bablu Payeng in connection with NNP. 03 of 2021/22 dated 29-03-2022 u/s 39, 43, 44, 48-A, 49-B, 52 r/w Section 2(1, 2, 11, 14, 20, 31, 32, 33, 36, 37) of Wild Life (Protection) Act, 1972.</p> <p>The contents of the FIR reveals that on 29-03-2022 based on secret information from WCCB, a joint operation was conducted by the staff of Nameri Wildlife Range and a team from WCCB at Balipara-Bhalukpung Road. During checking, they found some miscreants were carrying a package while riding and when the team asked them to stop, the miscreants tried to escape. Then, the team apprehended one miscreant but other miscreants escaped. The team recovered 109 pieces of bones with skull in two pieces weighing 10 KGs approx, 4 pieces of teeth and 12 nos. of nails of a suspected leopard, 1 mobile phone bearing IMEI Nos. 869077050577798/01 &amp; 869077050577780/01 &amp; one motorcycle having registration No. AS-12-U-7394.</p> <p>I have heard the learned lawyers appearing for both sides and also gone through the contents of the offence report.</p> <p>Counsel for State submits that this court after considering the offence report rejected the bail prayer of accused Bablu Payeng vide order dated 07-05-2022. So, the learned counsel objected the bail prayer.</p> <p>On the other hand, learned counsel for the accused contends that accused has been in judicial custody since 29-03-2022 and the father of the accused has been suffering from</p>	

ailments. Moreover, accused is a local person and there is no chance of absconding in the event of granting him bail. Therefore, learned counsel prays for bail.

Having heard the contention of the learned lawyers appearing for both sides and on careful perusal of contents of the offence report, it transpires that the penal provision for the alleged offence is under Section 51 of Wild Life Protection Act, 1972 for which the maximum punishment is imprisonment for three years and fine which may extend to four thousand or both and where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees: Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees.

The I.O. has submitted a report stating that there are co-accused who are absconding and as per the confessional statement made by accused Bablu Payeng, he has been threatened of his life by the absconded accused persons. So, granting bail to accused Bablu Payeng will help the absconded accused and they may also harm accused Bablu Payeng.

Having considered the offence report and taken into consideration the factual matrix of the case, particularly, the date of arrest of accused, it transpires that accused has been in judicial custody since 29-03-2022 and he has been in judicial custody for more than statutory period of 60 days.

		<p>Therefore, considering the period of detention, accused Bablu Payeng is enlarged on bail of ₹25,000/- (Rupees Twenty Five Thousand) only with one local surety of like amount i/d Jail to the satisfaction of learned Elaka Magistrate.</p> <p>Accordingly, the case is disposed off.</p>	<p>Sessions Judge, Sonitpur, Tezpur.</p>
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