

Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur

Tezpur PS Case No-70 of 2022

GR Case No-122 of 2022

U/S-14 of Assam Games and Betting Act

ORDER

11.01.2022

Case record put up today before me.

Accused person, named, Md. Jiarul Hussain aged about 18 years apprehended and produced before me in connection with this instant case registered under section-14 of Assam Games and Betting Act.

Seen the Forwarding Report, Memo of Arrest, Inspection Memo, Notice u/s-50 of CrPC, Medical Report, Check List and Case Diary.

On perusal of the entire case record, it disclosed that the accused person produced today before this court after his arrest and thereafter, he was duly undergone COVID-19 test at New PHC, Tezpur where he tested negative.

Accused person is found to be represented by his Ld. Counsel.

Seen the bail petition No-30/22 filed for the accused person, named, Md. Jiarul Hussain. Bail petition filed in support with an affidavit.

Heard both the sides and perused the petition with the case record.

On perusal of the case record it unveiled before this court that criminal law sets in motion closely on lodging an ejahar by the informant named UBC-449 Bibeka Nanda Saikia of Borghat Police Outpost under Tezpur Police Station alleging that on 10.01.2022 on the basis of an secret information regarding playing of gambling at Bhojkhowa Chapori, he along with the then I/C SI Naren Chetia with a staff of AISF party went to the place of occurrence and found the above named accused was selling Teer tickets at his shop. It is also

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alleged that on seeing the police personnel all the people present there fled away from the place of occurrence. It is also alleged that during the search conducted at the place of occurrence, recovered and seized cash amount of Rs.6540/- along with Teer selling books containing page No-1 to 49.

On careful perusal of the case diary, it also disclosed that the above-named accused person named Md. Jiarul Hussain confessed before the police that he went there for selling teer and seized the teer books with cash amount of Rs.6540/- from his possession which is prohibited under section-14 of Assam Games and Betting Act. The I/O has duly served notice u/s-41(A) of CrPC upon the accused person and on being satisfied that arrest of the accused is necessary, the accused person has been arrested and produced before the court on compliance with the direction of Hon'ble Supreme Court in the case of **State of Bihar v/s Arnesh Kumar**. The I/O also submitted the check list as required.

The entire case diary divulges the matter is pending at the initial stage of the investigation and at this stage for the sake of investigation, the accused needs to be sent in judicial custody. Therefore, this court not finds anything reasonable upon which the bail prayer of the accused person may be allowed. Accordingly, the bail application submitted on behalf of accused Md. Jiarul Hussain stands rejected due to devoid of any merits.

Perused the case diary along with forwarding report. It is seen that the I/O has duly complied the direction of **Hon'ble Apex Court given in State of Bihar v/s Arnesh Kumar** and issued notice u/s 41(A) of CrPC to the accused person.

Therefore, considering all aspect this court finds that the alleged offence is cognizable and non-bailable in nature and therefore, judicial custody of accused persons is necessary

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for the sake of proper investigation. **Accordingly, accused is remanded to judicial custody till 24.01.2022.**

The Superintendent of Central Jail, Sonitpur, Tezpur is hereby directed to keep the accused person separately in an isolation ward from the other jail inmates for a considerable period and further the accused person is directed to be scanned through thermal scanner before admitting him inside the jail.

Also seen the prayer of the I/O for perusal of seizure list along with seized articles i.e. (i) One Teer Book containing page No-1 to 49; and (ii) Cash amount of Rs.6540/- marked as MR No-13/22. The prayer of the I/O considered and allowed and seizure list along with the seized articles.

Let furnish photostat copy of seizure list and seized articles to the I.O, keeping the original seizure list with the case record. I.O. shall also deposit the cash amount of Rs.6540/- through Treasury Challan in Govt. Refundable Fund of Account. I/O is also directed to submit the Treasury Challan after depositing the said amounts.

The Superintendent of Central Jail, Sonitpur, Tezpur is directed to comply with the aforesaid guideline for prevention of COVID-19 pandemic inside the jail premises.

Return back the case diary.

Inform all the concerned.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur, Tezpur