

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

Tezpur PS Case No-74 of 2022

GR Case No-126 of 2022

U/S-14 of Assam Games and Betting Act

ORDER

12.01.2022

Case record put up today before me.

Accused person, named, Md. Hafijul Hoque aged about 30 years apprehended and produced before me in connection with this 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 arrest i.e. on 11.01.2022 and thereafter, he was duly undergone COVID-19 test at Kanaklata Civil Hospital, Tezpur where he tested negative.

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

Seen the bail petition No-33/22 filed for the accused person, named, Md. Hafijul Hoque by the petitioner Must. Anwara Begum. 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 SI Biswajit Paul of Tezpur Police Station alleging inter-alia that on 11.01.2022 at about 1 PM on the basis of an secret information about running of Teer gambling activity at Nerialom, he along with Tezpur PS staff led by O/C of Tezpur PS proceeded to Nerialom for taking necessary action as per law. It is also alleged that on arrival at the spot, they somehow managed to catch one Teer gambler named Md. Hafijul Haque, while he was selling Teer

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tickets to general people and collected money from the people to play illegal Teer gambling and also recovered one Teer Book, One VIVO 1726 mobile handset and 14 nos. of Teer ticket from his possession.

On careful perusal of the case diary, it also disclosed that the above-named accused caught red handed from the spot while he was selling Teer tickets by using small paper tickets and mobile WhatsApp and seized illegal Teer book, mobile handset and 14 nos of teer tickets 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. Hafijul Haque 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 for the sake of proper investigation. **Accordingly, accused is remanded to judicial custody till 24.01.2022.**

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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 VIVO 1726 mobile handset bearing IMEI No-869936034817713 & 869936034817705; (ii) One Teer Book; (iii) 14 nos. of Teer Tickets; and (iv) Cash amount of Rs.440/- marked as MR No-14/22. 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.440/- 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