

Tezpur PS Case No-64 of 2022
GR Case No-116 of 2022
U/S-14 of Assam Games and Betting Act

ORDER

21.01.2022

Ld. Advocate of the accused persons, namely, Sahabul Islam and Azizur Rahman filed hazira.

Case diary as called earlier vide order dated-17.01.2022 is received today.

Heard both the sides and perused the case diary meticulously.

By this order this Court proposed to dispose of the bail application filed for the accused persons, who are languishing in judicial custody since from 10.01.2022.

On perusal of the entire case record, it disclosed that the instant prosecution case sets in motion against the above named accused person on filing an ejarah by the informant named ASI Jitendra Nath Saharia, of Borghat Police Outpost under Tezpur Police Station alleging inter-alia that on 09.01.2022 at about 12:25 AM on being receipt an information he along with the his staffs proceeded to Borguri area regarding some gambling activities and on arrival at the spot, they caught both the accused persons and recovered some gambling articles. Accordingly, Tezpur PS Case No-64 of 2022 was registered u/s-14 of Assam Games and Betting Act.

On careful perusal of the case diary, it also disclosed that the investigating officer has apprehended the above named accused persons and produced them before this court on 10.01.2022 and since from then they have been languishing in judicial custody.

On scrupulous perusal of the case diary, it disclosed that I/O during investigation recorded the statement of almost all the material witnesses and also recovered some palying cards along with cash amount. On meticulous perusal of the seizure list, it is seen that from the possession of the accused no teer ticket was

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recovered upon which this court may presumed that the accused persons were actually involved with selling teer tickets. The statement of the witnesses does not reveal anything that may substantiate allegations against the above-named accused persons. The investigating officer except the statement of the accused failed to collect any material implicating substantive evidence against the accused. The value of the statement recorded u/s-161 of CrPC of the accused by the investigating officer undeniably not admissible before the court irrespective of the nature of cases or the stage of a criminal case. The investigation that followed by the I.O to unearth the actual concealment that warrants in a case of like this nature not appears to be satisfactory. More also, since from 10.01.2022 the I/O of this case has failed to make any investigation in connection with this case. The investigation of this case is pending at the advance stage.

At this stage without entering into the merits of the dispute in hand, this court not finds any substantive materials of alleged offence punishable under section-14 of Assam Games and Betting Act against the accused persons. In the case diary, the investigating officer nowhere prayed to enlarge custodial period of both the accused persons.

Therefore, considering the present stage of the investigation and coupled with the period of detention and the nature of alleged offence, this court is constrained to opine that at this stage release of the accused persons from the judicial custody is not going to hamper and temper the investigation of the I.O.

Hence, the court finds sufficient reasonable ground to allow the bail of the accused persons. Accordingly, bail prayer of the accused persons, namely, Sahabul Islam and Azizur Rahman are allowed and consequent to that accused persons, namely, **Sahabul Islam and Azizur Rahman are allowed to go on bail of Rs. 15,000/- (Rupees Fifteen Thousand) each with one surety of like amount** and failing of furnishing the

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surety the accused shall remain in judicial custody as fixed earlier.

In the event of their release from the judicial custody, the accused shall comply with the following conditions:-

- i) The accused persons shall not hamper or temper the investigation of the I.O.
- ii) The accused shall not leave the local jurisdiction of the Court without prior permission of the O/C concerned PS.
- iii) The accused shall co-operate with the I/O till the I.O concludes his investigation.
- iv) The accused person shall not repeat similar offence.

Return back the case diary to the I/O.

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