

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1172 of 2016

1. Amit Kumar Wadhwani S/o Shri Suresh Kumar Aged About 30 Years
R/o Kashyap Colony, Karbala Road, P.S. City Kotwali, District Bilaspur,
Chhattisgarh.
2. Raj Chetani S/o Dilip Chetani Aged About 27 Years R/o Jarhabhata,
Mandir Chowk, P.S. Civil Line Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through P.S. Sirgitti, District Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Sudeep Agrawal, Advocate
For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Inder Singh Uboweja

Order on Board

25-02-2016

- 1) The applicants have filed this bail application under Section 439 of the Code of Criminal Procedure, 1973 (in short 'the Code') for grant of regular bail as they are in custody in connection with Crime No. 51/2016, registered at Police Station, Sirgitti, Distt. Bilaspur, for the offence punishable under Sections 34 of the IPC read with Section 4-A of the Gambling Act and Section 34(2) and Section 59(A) of the Excise Act.
- 2) Case of the prosecution, in brief, is that the applicants were found in unauthorized possession of 5 litres and 25 ml of foreign liquor and were found playing gambling in the Pannikar Dhaba, located at Bilaspur.
- 3) Learned counsel for the applicants submits that this is First Bail application and no other application of this nature is pending or decided by this Court or by the Apex Court.

- 4) Learned counsel for the applicants further submits that present applicants are in custody since 06/02/2016 and as per allegation of the prosecution the applicants were found in unauthorized possession of 5 litres and 25 ml of foreign liquor and were found playing gambling in the Pannikar Dhaba, located at Bilaspur.
- 5) On the other hand, learned counsel for the State/non-applicant opposed the bail application and submits that present applicants have committed aforesaid offence.
- 6) I have heard learned counsel for the parties and perused the case diary.
- 7) On due consideration of the material collected on behalf of the prosecution, period of detention of applicants and exclusive and conscious possession of liquor and being Section 4-A of the Public Gambling Act, being a bailable offence, I am of the opinion that it is a fit case to enlarge the accused/applicants on bail. Accordingly, the bail application is allowed. It is directed that on applicants furnishing a personal bond of Rs. 25,000/- with one solvent surety each in the like sum to the satisfaction of the Judicial Magistrate First Class, Bilaspur, Distt- Bilaspur for their regular appearance before the said Court, they shall be released on bail.
- 8) Certified copy as per rules.

Sd/-
(I.S.Uboweja)
JUDGE