

HIGH COURT OF CHHATTISGARH, BILASPUR

(SB: Hon'ble Shri Justice Inder Singh Uboweja)

M.Cr.C.No. 1160 of 2016

- Vicky Khemani s/o. Gidda Khemani aged about 33 years, r/o. Torwa Chowk, Dayalband, Bilaspur, PS Torwa, Bilaspur, Dist. (Revenue & Civil) Bilaspur (CG).

--- Applicant

Versus

- State of Chhattisgarh through PS Sirigitti, Bilaspur, District (Revenue & Civil) Bilaspur (CG).

--- Respondent

For applicant : Mr. Sudeep Agrawal, Advocate.

For Respondent : Mr. Sameer Behar, Panel Lawyer.

Order on Board

(03-03-2016)

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 5-2-2016 in connection with crime No. 51 of 2016 registered at Police Station Sirigitti, Bilaspur (CG), for the offence punishable under Section 4-A of the Gambling Act, Section 34 (2) and Section 59(A) of the Excise Act.
2. The case of the prosecution, in brief, is that the applicant was found in unauthorized possession of 5 litres and 25 ml of foreign liquor and was playing gambling in Pannikar Dhaba, located at Bilaspur and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that this is a first bail application and no other application of this nature is pending or decided by this Court or by the Apex Court. He further submits that the applicant is in jail since 5-2-2016 and other co-accused namely Amit Kumar Wadhwani and Raj Chetani have already been granted bail by this Court vide order dated 25-2-2016 passed by this Court in

M.Cr.C.No.1172 of 2016, therefore, the present applicant may also be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, the material collected by the prosecution, period of detention of applicant and exclusive and conscious possession of liquor and the offence under Section 4-A of the Public Gambling Act being a bailable offence and further taking into consideration that the other co-accused have already granted by this Court, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicant Vicky Khemani shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Judicial Magistrate First Class, Bilaspur, District Bilaspur. He shall appear before the said court on each and every date given to him by the said Court till disposal of the trial.
8. Certified copy as per rules.

Sd/-
(I.S. Uboweja)
JUDGE