

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Criminal Case No.3151 of 2016

Gaurav Sabbarwal, son of Mr. Navneet Sabbarwal Aged about 32 years, R/o Akaltara Station Road, Thana Akaltara, District Janjgeer-Champa, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station City Kotwali, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pravin Tulsyan, Advocate under the instructions of Shri C.S.Bajpai, Advocate
For State/Respondent	:	Shri Shashank Thakur, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

9/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.178 of 2016 registered at Police Station City Kotwali, District Bilaspur (Chhattisgarh) for the offence punishable under Sections 3 and 4 of the Satta Adhiniyam, Section 25 of the Arms Act and Section 34(2) of the Chhattisgarh Excise Act. The Applicant is in jail since 9.5.2016.
2. Case of the prosecution, in brief, is that on 9.5.2016 the police party had made a raid in the house of one Rajesh Gandhi where the present Applicant and other accused persons were found involved in the act of gambling and from their possession certain arms and liquor were also seized.
3. Learned Counsel for the Applicant submits that so far as the present Applicant is concerned the only recovery made from him is a mobile phone and a register and that there was no weapon seized from

him nor was there any liquor seized from his custody. Therefore, at best, he could only be held guilty for the offence under Sections 3 and 4 of the Satta Adhiniyam, which is a bailable offence. Learned Counsel further submits that the Applicant is in custody for about 1 month. Therefore, the Applicant may be released on bail.

4. Learned Counsel for the State however opposes the bail application on the ground that the allegations against the present Applicant and the other co-accused persons are serious in nature. They were allegedly involved in the act of gambling during the IPL Cricket Match Series going on during the relevant time.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly taking into consideration the fact that only a mobile phone and a register have been seized from the possession of the present Applicant and that he is in jail for about 1 month, this Court is of the opinion that the present is a fit case in which the Applicant could be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the trial Court and for his appearance before the said Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge