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DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 430 of 2026**

Bc (Juvenile) Nil

... Applicant(s)**versus**State Of Chhattisgarh Through Police Station Tumgaon, District
Mahasamund Chhattisgarh**... Non-applicant(s)**

For Applicant : Mr. Virendra Kashyap, Advocate.

For Non-applicant/State : Mr. Priyank Rathi, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****15.06.2026**

1. This criminal revision is filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 02.03.2026 passed in Criminal Appeal No. H-17//2026 by the learned Juvenile Court/ Additional Session Judge (FTC), Mahasamund (C.G), whereby the appeal preferred by the present applicant has been dismissed.
2. Case of the prosecution is that on 17.01.2026, Assistant Sub-Inspector Man Singh Bhadauria of Police Assistance Centre, Tumgaon, received a secret information from an informant that two persons were transporting contraband Ganja on a scooter. Acting

upon the said information, he along with the accompanying police staff and necessary materials proceeded to Tumgaon Tiraha situated on National Highway No. 53 and laid surveillance. After some time, a grey coloured scooter carrying two persons was noticed approaching the spot. The said persons were intercepted and, upon enquiry, the rider disclosed his name as Yogendra Yadav and the pillion rider disclosed his name as Sagar Dheewar. Thereafter, after complying with the mandatory provisions of the NDPS Act, a search of the scooter was conducted, during which three white polythene packets and two khaki coloured packets containing contraband Ganja weighing 4.930 kilograms in total were recovered from the dickey of the scooter. The contraband along with the scooter used in its transportation was seized in accordance with law and a First Information Report bearing Crime No. 19/2026 was registered at Police Station Tumgaon for the offence punishable under Section 20(b) of the NDPS Act.

During the course of investigation, the co-accused Yogendra Yadav and Sagar Dheewar were interrogated and they disclosed that the seized contraband Ganja had been procured from applicant, a resident of Village Nityanandpur, Odisha. On the basis of the said disclosure, the police took applicant into custody and recorded his memorandum statement. During further investigation, it transpired that applicant was a juvenile on the date of the incident. Upon verification of his age-related documents, the said fact was duly confirmed. Consequently, his case was separated from that of the adult co-accused persons and after his apprehension, he was

produced before the Juvenile Justice Board, Mahasamund, from where he was sent to the Observation Home, Mahasamund in accordance with law.

3. The applicant preferred an application under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, seeking his release on bail before the Juvenile Justice Board, Mahasamund, District- Mahasamund (C.G.); however, the said application was rejected by the Juvenile Justice Board vide order dated 25.02.2026. Being aggrieved by the order dated 25.02.2026, the applicant/juvenile filed an appeal before the appellate Court, which has also been dismissed vide impugned order dated 02.03.2026. Hence, this revision.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and that no offence, as alleged, has been committed by him. He further submits that the prosecution has failed to collect any independent material connecting the applicant with the alleged crime and the entire case against him rests solely upon the memorandum statements of the co-accused persons, which have very limited evidentiary value in the eyes of law. It is further submitted that no contraband substance was recovered from the possession of the present applicant and the alleged recovery of 4.930 kilograms of Ganja was effected from the possession of the adult co-accused persons namely Yogendra Yadav and Sagar Dheewar. Learned counsel further submits that the applicant is a juvenile aged about 17 years having no criminal antecedents and this is the first

allegation against him. It is contended that both the Courts have mechanically relied upon the Social Investigation Report without properly appreciating the statutory mandate of Section 12 of the Act and have failed to record any specific finding that the release of the applicant would defeat the ends of justice. It is further argued that the observation that the parents of the applicant are unable to keep him in their custody cannot constitute a valid ground for denial of bail, particularly when the Act itself provides alternative mechanisms such as supervision by a Probation Officer or custody of a fit person. He also submits that even the Social Investigation Report, at best, indicates that the applicant had fallen into bad company, which itself necessitates parental care, guidance and counselling rather than continued detention. It is further submitted that the applicant is in custody since 17.01.2026 and the conclusion of trial is likely to take considerable time. He further contends that the prosecution agency has not strictly complied with the mandatory provisions of Section 42 of the NDPS Act. He further submits that the quantity of Ganja involved in the present case is 4.930 kilograms, which is much below the prescribed commercial quantity of 20 kilograms and, therefore, the rigours of Section 37 of the NDPS Act are not attracted. It is lastly submitted that continued detention of the juvenile in the Observation Home for an indefinite period would adversely affect his education, mental development and rehabilitation and that the impugned orders passed by the Courts below are mechanical, non-speaking and contrary to the

object, spirit and settled principles governing grant of bail to juveniles under the Juvenile Justice Act.

5. On the other hand, learned State counsel opposes the submission made by learned counsel for the applicant and fairly submits that the present applicant has been implicated only on the basis of memorandum statement of the co-accused further no recovery has been made from him and has no criminal antecedent but looking the seriousness of this case, he is not entitled to be released on bail.
6. I have heard learned counsel for the parties and perused the records.
7. Upon perusal of the case diary and other material available on record, it appears that the recovery of 4.930 kilograms of contraband Ganja has been effected from the possession of the co-accused persons, namely Yogendra Yadav and Sagar Dheewar, who are major and are alleged to be directly involved in the commission of the offence. The implication of the present applicant, who is admittedly a juvenile, is primarily based upon the memorandum statements of the co-accused persons. Admittedly, no contraband has been recovered from the possession of the applicant. It is also not in dispute that the applicant has no criminal antecedents and the charge-sheet has already been filed before the competent Court. Considering the overall facts and circumstances of the case, the nature of allegations, the age of the applicant, absence of criminal antecedents and the beneficial object underlying the Juvenile Justice Act, this Court is inclined to extend the benefit of bail to the applicant.

8. Consequently, the present criminal revision stands **allowed**. The impugned order dated 25.02.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Mahasamund in Crime No.19/2026 and the order dated 02.03.2026 passed by the learned Juvenile Court/Additional Sessions Judge (FTC), Mahasamund affirming the said order are hereby set aside. It is directed that on furnishing a surety of Rs. 50,000/-along with a bond of same amount which are to be of his natural guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as when directed, the applicant shall be given in custody of his natural guardian/father/mother.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Kunal