

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 449 of 2016**

Karan Singh Thakur, S/o. Shankar Singh Thakur, aged about 17 years 3 months, Minor through his mother Seema Thakur, aged about 40 years, R/o. Badhiyatola, PS and Tahsil & Dongrargarh District Rajnandgaon (CG)

---- Applicant

Versus

State of Chhattisgarh, Through SHO Dongargarh District Rajnandgaon (CG)

---- Respondent

For Applicant:
For State:

Mr. Avinash Chand Sahu, Advocate
Mr. Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board**06.06.2016**

1. The present Revision has been preferred challenging the order dated 30.4.2016 passed by the Additional Sessions judge (FTC), Rajnandgaon in Criminal Appeal No. 39/2016 whereby the appeal under Section-52 of Juvenile Justice (Care and Protection of the Children) Act, 2000 for grant of bail to the Applicant has been rejected, affirming the order of Juvenile Justice Board, Rajnandgaon dated 13.4.2016.

2. Case of the prosecution, in brief, is that on 15.3.2016 present

applicant along with two other accused persons were found transporting 18.00 bulk liters of illicit country made liquor.

3. Learned Counsel for the Applicant submits that the Applicant before this Court has been arrested in connection with Crime No. 120/16 registered in Police Station Dongargarh, Distt. Rajnandgaon under Section 34(2) of the Chhattisgarh Excise Act, 1915. The Applicant is in jail since 15.3.2016. He prays that the present Applicant may be released on bail taking into consideration that he is a minor and a juvenile. He further submits that two other co-accused persons Mukesh Yadav and Aslam Khan have already been released on regular bail by the Co-ordinate Bench vide order dated 09.5.2016 in MCRC No.2290 of 2016. He further submits that it is first offence that has been registered against the Applicant, he does not have criminal antecedents what so ever, therefore looking to the nature of allegation and considering the facts and circumstances of the case, the Applicant may be released on bail.

4. Learned State Counsel however opposes grant of bail to the Applicant considering the nature of the allegation levelled against the Applicant and some other persons.

5. Taking into consideration the total facts and circumstances of the case particularly the quantity of liquor, it is the first offence committed by the applicant and he is a juvenile and also taking note of regular bail granted to co-accused persons on 09.5.2016, this Court is of the

opinion that the present is a fit case to be allowed and the Applicant be released on bail.

6. Accordingly, both the orders passed by the Courts below are set aside.

7. The Applicant shall be released on bail during the pendency of the Criminal Case on his or one of his guardian furnishing personal bond for the sum of Rs. 25000/- with two sureties in like sum to the satisfaction of the concerned Trial Court. The Applicant is directed to appear before the said Court on each and every date given to him till the disposal of the case.

8. With the aforesaid observations the Revision Application stands allowed.

Sd/-
(P. Sam Koshy)
V. JUDGE