

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1116 of 2016**

Basant Lal Patel S/o Panchraj Patel Aged About 15 Years R/o Village Umri, Police Station & Tahsil- Rampur, Karchulliyan, District Riva, Madhya Pradesh. Minor, Represented Though Legal Guardian Panchraj Patel, S/o Shyamlal Patel Aged About 42 Years, R/o Village- Umri Police Station & Tahsil- Rampur, Karchuliyan, District Riva, Madhya Pradesh. ---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Sankra (Wrongly Mentioned As Basna), District Mahasamund, Chhattisgarh. ---- **Respondent**

For Applicant	:	Mr.Vikash Pradhan, Advocate
For State	:	Mr. B. Gopa Kumar, Dy. A.G. along with Mr.Rajendra Gendle, SHO, P.S. Sankra, District Mahasamund is also present in the Court.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/01/2017**

Heard.

1. This revision petition arises out of order dated 19.10.2016 passed by the Appellate Court by which rejection of applicant's application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015') has been affirmed.
2. The applicant is alleged to have committed offence under Section 20 of the Narcotics Drugs Psychotropic Substances Act. The allegation is that the vehicle, carrying out 90 kg. ganja, was intercepted by the police and in the vehicle, three persons along with juvenile were found travelling and from the vehicle, ganja was recovered.
3. Learned counsel for the applicant submits that as far as present applicant is concerned, he is the juvenile and one of the accused namely

Ramjanak Patel was his uncle. He submits that the applicant was innocent and he was only travelling without having any notice and knowledge of the fact that ganja was being carried out in the vehicle along with his uncle and other co-accused. It is submitted that the applicant has no criminal antecedents. In these circumstances, the Courts below ought to be granted bail to the applicant as per statutory mandate of Section 12 of the Act of 2015.

4. Learned State counsel submits that diary has been produced however, the social investigation report is not produced.

5. Despite repeated orders, the social investigation report has not been produced before this Court.

6. As far as present applicant is concerned, the diary produced before this Court does not show that the applicant has any criminal antecedents and considering the submission that the applicant, a juvenile, was only travelling with his uncle, who is also involved in the alleged commission of offence and taking into consideration the statutory mandate of the provision contained in Section 12 of the Act of 2015, in the absence of there being any material that the release of the applicant will bring him in association with known criminal or may expose him to moral, physical or psychological danger or would otherwise defeat the ends of justice, rejection of bail application is not justified in law.

7. In view of the above analysis, I am of the view that the Courts below have committed illegality in rejecting application for grant of bail. Accordingly, the impugned order is set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be released on bail forthwith on furnishing a personal bond in the sum of Rs.10,000/- by either father or mother of the applicant, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

8. The revision is accordingly allowed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**