

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No.36 of 2017

- Ganesh Tandon S/o Ramesh Tandon, Aged About 17 Years Caste- Satnami, Through- Guardian Of His Father R/o Bharatpur, Police Station- Bhatapara (Gramin), Tahsil- Bhatapara, district- Baloda Bazar- Bhatapara Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through- District Magistrate, Baloda Bazar, Police Station- Baloda Bazar, District- Baloda Bazar- Bhatapara Chhattisgarh.

---- Respondent

For Petitioner	:	Shri A. K. Yadav, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/01/2017

Heard.

2. This revision petition is arising out of order dated 09-12-2016 passed by the Additional Sessions Judge, Baloda Bazar in Criminal Appeal No.112/2016, by which, the appellate authority has rejected the appeal arising out of order rejecting applicant's application for grant of bail under Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015 (In short "the Act of 2015").

3. Learned counsel for the applicant submits that only allegation against the applicant is that he was found in possession of liquor in excess of permissible quantity, except this, there is no other material available on record nor discussed by the learned appellate Court to arrive at satisfaction that release would bring the juvenile in association with known criminal or is likely to subject the juvenile to physical, mental or psychological danger or otherwise release

would defeat the ends of justice. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel submits that the applicant was found in possession of liquor in excess of permissible quantity and in the event, the applicant is released on bail, he is likely to come in association with known criminals.

5. Having heard learned counsel for the parties, I find that the impugned order does not record any material to arrive at satisfaction on any of the grounds enumerated under Section 12 of the Act of 2015, except that, the applicant was found in possession of certain quantity of liquor, which was more than the permissible quantity. There is no other material available that the applicant has been repeatedly found in possession of the liquor or he was actually selling liquor in association with known criminals. Therefore, in these circumstances, the application for grant of bail ought not to have rejected.

6. In the result, the revision is allowed. The impugned order passed by the appellate Court as well as by the Juvenile Justice Board are hereby quashed. The applicant-Juvenile shall be released on bail forthwith on furnishing personal bond in the sum of Rs.10,000/- by the father or mother of the applicant, to the satisfaction of the Juvenile Justice Board, for his appearance before the Board on all dates of trial.

SD/-
(**Manindra Mohan Shrivastava**)
Judge