

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 222 of 2017

Raju Gupta, S/o. Ravikaran Gupta, Aged About 17 Years, R/o. Near Hanuman Mandir, Gandhi Nagar, Police Station- Kotwali, Raipur Tahsil Raipur, District- Raipur, Chhattisgarh. Through Legal Guardian: Mother Smt. Sohadra Gupta, W/o. Ravikaran Gupta, Aged About 40 Years.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District -Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/04/2017

1. This revision is against the order dated 10.02.2017, passed by the learned Juvenile Court/Additional Sessions Judge (F.T.C.), Raipur (C.G.) in Criminal Appeal No.31/2017, whereby the appeal preferred by the applicant against the order dated 16.01.2017, passed in Criminal Case No.11/2017, passed by the Principal Magistrate of Juvenile Justice Board, Raipur is dismissed.
2. As per the prosecution case on 04.01.2017 on a raid being conducted from the possession of the applicant 36 bottles (6.480 bulk liters) of liquor was recovered. Thereby the offence U/s. 34 (2) of Excise Act was committed and the applicant was sent to juvenile justice board and was placed under observation. The application for

grant of bail to the applicant, filed before the Juvenile Justice Board was rejected. Aggrieved by such order, an appeal was preferred, the appellate Court also dismissed such appeal, hence this revision.

3. Learned counsel for the applicant would submit that the applicant is in jail since 04.01.2017 and the applicant is a minor and he may be allowed to join the mainstream of the society as it is the first offence of the applicant, therefore, the applicant may be enlarged on bail and the revision be allowed.
4. State has filed its reply. Along with the reply social security report is also placed.
5. Perusal of the report would show that the applicant and his family belongs to a lower income group and there has been pressure on his head to earn money for the family. Consequently, he came into contact with the other person to earn the money. The report suggest that the applicant may be given a chance to return to his education and society. Considering the report and further taking into totality of the case, I am inclined to release the applicant on bail.
6. Accordingly, the revision petition is allowed and the orders passed by both the Courts below are hereby set-aside. The applicant shall be released on bail upon furnishing one surety of Rs.25,000/- by the father of the applicant to the satisfaction of the Juvenile Justice Board, for his appearance before the Board as and when directed.

Sd/-
(Goutam Bhaduri)
Judge