

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 913 of 2017

Chandan Kumar Dhritlahre, S/o. Late Ghanshyam, Aged About 16 Years, (Minor) through Natural Guardian Mother Indira Bai, Wd/o. Late Ghanshyam, R/o. Village Bharatpur, Police Station- Bhatapara Gramin, District Baloda Bazar – Bhatapara, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.10.2017

Heard

1. The instant revision is against the order dated 13.09.2017 passed in Criminal Appeal No.60/2017 by the learned Sessions Judge Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) whereby the order of dismissal of bail dated 23.08.2017 by the Juvenile Justice Board, Baloda Bazar, refusing bail to the applicant was affirmed.
2. According to the case of the prosecution, on 11.08.2017, on a raid being made, from the possession of the applicant, total 13.05 bulk liters of liquor was seized alongwith other co-accused; thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been in captivity since 11.08.2017 and the social investigation report supports the applicant. It is submitted that in case of release of the applicant, there is no likelihood of his coming into contact with the known criminal or expose him to moral, physical and psychological danger; therefore, the applicant may be released on bail.
4. Perused the order as also the social investigation report. The social investigation report shows that the applicant follows rituals and also discipline is maintained in the house. The applicant

himself was working as *Kuli*. The mother & brother of the applicant who were working as *Kuli* were removed from the Railways, therefore, they were passing through financial stringencies and therefore the applicant was carrying certain liquors to sell in the village, in the meanwhile, he was caught. It further suggests that it was the first criminal act committed by the applicant and he may be settled with his family.

5. Perusal of the report do not show that in the event of release of the applicant, there is danger or likelihood to bring him into association with any known criminal or expose him to moral, physical and psychological danger. Considering the facts of this case and nature of allegation, I am of the opinion that release of the applicant will not defeat the ends of justice. Consequently, I am inclined to release the present applicant on bail. Therefore, both the order passed by the learned Courts below i.e. order dated 23.08.2017 & 13.09.2017 are set aside.
6. In the result, the revision is allowed and it is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his mother to the satisfaction of the concerned Juvenile Justice Board for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge