

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 244 of 2017

Kamlesh Nishad, S/o. Bhuneshwar Nishad, Aged About 16 Years, R/o. Simga, Police Station -Simga, District -Baloda Bazar -Bhatapara, Chhattisgarh. Through : Narayan Nishad, S/o Santram Nishad, Aged About 32 Years, R/o Simga, Police Station -Simga, District -Baloda Bazar -Bhatapara, Chhattisgarh.

----Applicant.

Versus

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

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For State/Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/05/2017

1. Challenge in this petition is to the order dated 23.02.2017, passed by learned 2nd Additional Sessions Judge, Baloda Bazar, District -Baloda Bazar - Bhatapara, in Criminal Appeal No. H-15/2017, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Baloda-Bazar, District – Baloda Bazar – Bhatapara dated 01.02.2017, in Crime No.14/2017, has been dismissed, whereby the applicant has been denied bail.

2. As per the case of the prosecution, on 05.01.2017 during the patrolling it revealed that at village – Chanderi, at Mahalaxmi Dhaba liquor has been kept for sale and when raid was conducted, from the present applicant, 13.99 bulk liter liquor was seized. Thereafter, he was arrested.
3. Learned counsel for the applicant would submit that the present applicant is juvenile and in-fact the liquor did not belong to him but it belong to other liquor holders and only for Rs.10/- commission, it was being sold. It is further submitted that the applicant kept in captivity, which may adversely affect the applicant, therefore, considering the degree of offence, the applicant may be enlarged on bail.
4. State counsel was directed to call for the social investigation report of the applicant.
5. The social investigation report which is placed on record is perused, which shows that the applicant has conducted himself in proper manner. It also revealed that the applicant on commission of Rs.10/- per liter from the liquor holder, the liquor was sold to other.
6. Considering the facts and circumstances of the case and further taking into social investigation report which shows that there is no likelihood that after his release is likely to bring him into association with any known criminal or expose him to moral physical or psychological danger. Taking into such report and the fact that the applicant is in jail since 05.01.2017 and further taking into the totality of the of the case, I am inclined to release the applicant on bail.

7. Consequently, the order dated 23.02.2017 and 01.02.2017 passed by the Sessions Judge as also the Juvenile Justice Board are set-aside. It is directed that applicant shall be released on bail on furnishing a surety of Rs.25,000/- which is to be of his father 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

Balram