

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2523 of 2017

ORDER:

This Criminal Petition, under Section 437 & 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/Accused No.6, requesting to release him on bail in connection with Crime No.3 of 2017 on the file of Cheedikada Police Station, Visakhapatnam District, registered for the offence punishable under Section 20 (b) read with Section 8(c) of the NDPS Act. The petitioner/A.6 is in judicial custody since 13.01.2017.

2. The case of the prosecution, in brief, is that on 13.01.2017, on receiving credible information, the Sub Inspector of Police, along with staff, secured mediators and reached the scene of offence and found six persons standing nearby with two bags. On seeing the police, the said persons left the two bags at the scene of offence and tried to escape from scene of offence. Then, the Assistant Sub Inspector of Police and his staff chased them and caught hold of them and found two bags containing 30 kgs of ganja.

3. The only contention of the learned counsel for the petitioner/accused before this Court is that the petitioner/accused is a juvenile and is not liable to be tried by the Special Judge to Try the Offences under NDPS Act. In support of the said contention, learned counsel produced a copy of the AADHAR Card of the petitioner/accused issued by the Government of India to show that he was born on

19.08.1999 and therefore, prayed that the petitioner/accused may be enlarged on bail.

4. The offence allegedly committed by the petitioner/accused is a grave offence triable under Section 20 (b) read with Section 8(c) of the NDPS Act. Admittedly, the quantity of contraband involved in this offence is more than commercial quantity. The only contention of the learned counsel for the petitioner is that the petitioner/accused is a juvenile. However, law mandates that before committing a juvenile to the Juvenile Justice Board, an enquiry is required to be conducted under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

5. Accordingly, the Special Judge to Try the Offences under NDPS Act, Visakhapatnam, is directed to conduct necessary enquiry with regard to the age of the petitioner/accused and if the Special Judge ultimately comes to the conclusion that the petitioner/accused is a juvenile, he is directed to follow the procedure contemplated under The Juvenile Justice (Care and Protection of Children) Act, 2015.

6. With the above observations, this Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

03rd April, 2017
Bvv

M.Satyanarayana Murthy, J