

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 229 of 2019**

Karan Puwar S/o Late Rajendra Puwar, aged about 15 years Through Natural Guardian Mother Smt. Shanti Bai, R/o Ghatiyakhurd, P.S. Nandini Nagar, District Durg (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through the District Magistrate Durg, P.S. Excise Circle Durg South (Internal), District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Tarun Dadsena, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

02/04/2019

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015) against judgment dated 05/01/2019 passed in Criminal Appeal No. 03/2019 by the Fifth Additional Sessions Judge/Juvenile Court/under the POSCO Act Special Judge, Durg, whereby the Fifth Additional Sessions Judge has rejected the appeal arising out of order dated 19/11/2018 dismissing his bail application passed in Crime No. 137/2018, Police Station Excise Circle, Durg by the Juvenile Justice Board, Durg.
2. As per prosecution story that on 06/11/2018, the Excise Circle Durg seized 18.9 bulk liter of country made liquor from the illegal possession of the Applicant along with a motorcycle. The Applicant was arrested. He filed an application under Section 12 of the Act, 2015 for grant of bail, which was dismissed. Against the said dismissal, an appeal was preferred which was

also dismissed. Hence, this revision.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. He further submits that the Applicant is juvenile aged about 15 years who is in custody since 06/11/2018 and the social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, he may be extended the benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. Considering the nature of allegation, facts of the case and the fact that the Applicant is in observation home since 06/11/2018 and social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind, I am inclined to allow this revision and release the Applicant on bail.
7. Consequently, the revision is allowed and the impugned judgment dated 05/01/2019 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge