

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1097 of 2018**

Vikas Sharma S/o Shri Narmada Prasad Sharma, aged about 17 years, minor resident of Behind Dena Bank, Mowa, District Raipur (C.G.)

Through natural guardian Father Narmada Prasad Sharma

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Ganj, Raipur, Civil and Revenue Distt. Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/01/2019

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 the judgment dated 28/08/2018 passed by the Juvenile Court/9th Additional Sessions Judge Raipur in Criminal Appeal No. 244/2018, whereby the 9th Additional Sessions Judge has rejected the appeal arising out of order dated 20/12/2017 dismissing his bail application passed in Criminal Case No. 476/2017 by the Juvenile Justice Board, Raipur.
2. As per prosecution story, on the basis of information received from the informant, the police searched and seized total 9.900 kg contraband (Ganja) from the illegal possession of the Applicant. Offence under

Section 20 (b) of the NDPS Act was registered against the Applicant and he has been taken into custody on 20/09/2017. 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 quantity of seized Ganja does not come under the purview of commercial quantity. The Applicant is a juvenile aged about 17 years 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 24/09/2017 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 28/08/2018 is set-aside. It is directed that the Applicant shall be

released on bail on his furnishing two 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

Rahul