

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1404 of 2018**

Taohid Khan S/o Shri Kurban Khan R/o Chegda P/s Kurav Distt. Allahabad U.P.,
P/A Raobhata Durga Chowk PS Khamtarai Distt. Raipur, Civil & Revenue Distt.
Raipur (C.G.)

---- Applicant**Versus**

1. State of Chhattisgarh through District Magistrate, Distt. Raipur (C.G.).
2. State of Chhattisgarh through Police Station Khamtarai, Distt. Raipur (C.G.)

---- Respondents

For Applicant	:	Mr. Ajay Mishra, Advocate
For Respondents	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****18/01/2019**

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 05/12/2018 passed by the Juvenile Court/ 9th Additional Sessions Judge Raipur in Criminal Appeal No. 403/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 06/11/2018 dismissing his bail application passed in Crime No. 569/2018, Police Station Khamtarai, Distt. Raipur by the Juvenile Justice Board, Mana Camp, Raipur.
2. As per prosecution story, on the basis of secret information received from the informant, the Applicant was searched and total 9.00 bulk

liters of country made liquor was seized from his possession. The Applicant has been taken into custody on 14/10/2018. 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 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 14/10/2018 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 05/12/2018 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

Rahul