

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29416 of 2020

Arising Out of PS. Case No.-71 Year-2018 Thana- JANKINAGAR District- Purnia

LAVKUSH KUMAR S/o Birendra Singh Resident of Village-Puraini, P.S.-
Puraini, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Akhileshwar Dayal, learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Special Case No. 4 of 2018 arising out of Janki Nagar P.S. Case No. 71 of 2018, CIS No. 4 of 2018 (NDPS Act), for the offence punishable under Sections 8 and 20(b) of the NDPS Act inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court by an order dated 11.01.2019 passed in Criminal Misc. No. 70785 of 2018.



The case of the prosecution in brief is that the Police upon receipt of secret information regarding transportation of contraband Ganja by a Tata Sumo vehicle, intercepted the said vehicle and upon search, one quintal and 30 kg. Ganja was recovered from the said vehicle, and the petitioner who was sitting in the said vehicle, was arrested from the spot.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 16.05.2018 and there is no likelihood of completion of the trial in near future. It is further submitted that the fact is that the petitioner was a juvenile at the time of the alleged occurrence, hence he is required to be given benefit under the Juvenile Justice (Care & Protection of Children) Act, 2015.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the learned counsel for the petitioner has not been able to point out any change in circumstance, from the day the prayer of the petitioner for bail was rejected earlier by this Court, till today, I do not find any reason to reconsider the prayer of the petitioner



for grant of bail, hence the present petition stands dismissed.

At this juncture, it would be pertinent to mention that in case the petitioner was a juvenile at the time of the alleged occurrence, requisites steps ought to have been taken for the purposes of getting the petitioner declared as a juvenile, however, determination of the case of the petitioner for the purposes of him being declared a juvenile is not within the ambit and scope of the present bail petition. However, the petitioner is granted liberty to take appropriate steps, in accordance with law, for the purposes of him being declared a juvenile.

(Mohit Kumar Shah, J)

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