

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1195 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- JOGBANI District- Araria

NIRAJ KUMAR YADAV, (under the guardianship and Son of Surendra Prasad Yadav @ Surendra Yadav) Resident of Village - Laxmipur Ward No - 11, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kuldeep Kumar age 46 years, Son of Raj Ram @ Raji Ram, Resident of Gram Panchayat Chai Bajwal, P.S.- Sundarban, District- Rajjori (Jammu Kashmir), At Present 56th SSB Batalian Incharge Assistant Inspector SSB Kushmaha, P.S. - Jogbani, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Respondent/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 14-02-2020 Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

This Criminal Revision Application is filed for setting aside the Judgment and order dated 26.08.2019 and 10.07.2019 passed in Criminal Appeal No. 15/2019 (Juvenile) by Learned 1st Addl. Sessions Judge, Araria and learned 1st Addl. Sessions Judge, Araria dismissed the appeal of the petitioner and confirming the order dated 10.07.2019 passed by Juvenile Justice Board, Araria in connection Special Case No. 288 of 2019, arising out of Jogbani P.S. Case No. 52 of 2019, registered under Section 30(A)/38(i) of Bihar Prohibition and Excise Act,



2016.

Learned counsel for the petitioner submits that as per the F.I.R., petitioner is supposed to be riding four wheeler vehicle from which 1.76 litres of illicit liquor kept in 198 cartoons was apprehended. It was contended that the said recovery was from the vehicle and not from this petitioner who had merely taken a lift on the said vehicle. Learned counsel submits that the petitioner is a minor aged about 17 years and there is no independent witness in the case, save and except two SSB Jawans who had seized the vehicle. It is further submitted that the petitioner was taken into custody on 27.02.2019 and the matter was transferred to the Juvenile Justice Board, Araria vide its order dated 26.06.2019 which declared the petitioner as a juvenile vide its order dated 24.06.2019. He thus submits that as per the provision of J.J.B. Act, the petitioner is entitled to the privilege of bail. As such, it is submitted that petitioner may be released in favour of his father Surendra Prasad Yadav @ Surendra Yadav.

Let the petitioner, Niraj Kumar Yadav, a juvenile be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Learned 1st Addl. Sessions Judge, Araria and



Juvenile Justice Board in connection with Special Case No. 288 of 2019, arising out of Jogbani P.S. Case No. 52/2019, in favour of his father, who shall keep him under his guardianship and produce him as and when required and also subject to the condition that one of the bailors of the petitioner shall be his father who at the time of filing of the bonds, shall also give an undertaking that he will take proper care of the petitioner and in case the petitioner does not act as per his advice, he shall report the matter to the Officer-in-Charge of the concerned police station and further during the period of bail, the petitioner will be under the supervision of concerned Probation Officer.

In the result, the revision application is allowed and the impugned order dated 26.08.2019 and 10.07.2019 are set aside.

(Anjana Mishra, J)

Ranjeet/-

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