

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1383 of 2019

Vipin Bhattacharya (Minor) S/o Ramkumar Bhattacharya Aged About 17 Years 5 Months, through Its Legal Guardian Mother Smt. Pushpa Bhattacharya W/o Ramkumar Bhattacharya, Aged About 40 Years, R/o Dariyabad, Police Station Atar Suiya, Allahabad (Uttar Pradesh), District : Allahabad, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kurud, District - Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Shri Dashrath Kushwaha, Advocate
For Respondent/ State	: Shri Chandra Bhushan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-01-2020

1. This revision petition has been brought against the order dated 11.10.2019 passed by the Learned Additional Sessions Judge, Dhamtari, District Dhamtari, Chhattisgarh in Criminal Appeal No.95 of 2019 dismissing the appeal and upholding the order of the Juvenile Justice Board, rejecting the application for grant of bail to the applicant.
2. It is submitted by counsel for the applicant that the applicant is a juvenile and in conflict with law. There is no criminal antecedent against the applicant which is reported in the social status report. The applicant has not committed any offence. Similarly placed two other accused persons, namely, Prasad Kumar Prajapati and Balak Vikas Prajapati have been granted bail by the Juvenile Justice Board itself. This applicant is in remand home since 9.12.2017. The mother of the applicant is praying

for his custody. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the respondent/ State opposes the submissions and submits that the applicant is a resident of Uttar Pradesh, therefore, if he is released on bail he may not be available for the proceedings in the Juvenile Justice Board and further, it is a case of recovery of huge quantity of narcotic substance (ganja) which is 132.7 kg, therefore, the applicant is not entitled for grant of bail.
4. Heard both counsel for the parties and perused the material available on record.
5. The applicant is a juvenile and in conflict with law. He is being prosecuted under Section 20(b)(2)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 before the Juvenile Justice Board, Dhamtari. Looking to this fact that the applicant is in remand home since about more than two years and the proceedings against him have still not been concluded and also considering the fact that similarly placed other juveniles conflict with law have been granted bail by the Juvenile Justice Board, Dhamtari earlier, I am of this view that the order impugned and the order of the Juvenile Justice Board is erroneous and improper which needs to be interfered with.
6. Hence, this revision petition is allowed and the orders dated 11.10.2019 and 18.9.2019 passed by the Learned Additional Sessions Judge, Dhamtari as also the Juvenile Justice Board are set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his father or guardian alongwith a personal bond to the

satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then he shall be given in custody of his father or guardian.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi