

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3166 of 2021**

Arising Out of PS. Case No.-127 Year-2020 Thana- BARUN District- Aurangabad

XX

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar, Adv.

For the Respondent/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-09-2021 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State through video conferencing.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, he is being referred to in the cause title as XX.

The application has been preferred under the Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 24.2.2021 passed in Cr. Appeal No. 5 of 2021 by the learned Additional Sessions Judge 1st -cum-Special Judge, NDPS Act, Aurangabad whereby the prayer for bail of the appellant in connection with a case registered under sections 8, 15(c), 25 and 29 of the NDPS Act, was rejected.



As per the prosecution case, on information having been received, a team was constituted and a raid conducted. It is stated that three accused persons including the appellant herein were caught. One of the accused happens to be the son of the hotel owner. It is further stated that on search of the hotel a total quantity of 1.840 kgs of opium was recovered.

It is submitted by learned senior counsel appearing for the appellant that the appellant who was declared a Juvenile by order dated 6.10.2020 (Annexure-2) has been falsely implicated in the case. Even as per the allegations in the F.I.R., no incriminating material has been recovered from the appellant's possession. The alleged recovery is from the hotel. The appellant is in custody since 19.7.2020 and has no criminal antecedent.

The application is opposed by learned A.P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the appellant having been declared a juvenile by the above mentioned order and having remained in custody for 1 year 2 months, the Court is inclined to allow the instant application. The application is allowed and the order dated 24.2.2021 passed in Cr. Appeal



(Juvenile) No. 5 of 2021 by the learned Additional Sessions Judge 1st -cum-Special Judge, NDPS Act, Aurangabad and the order dated 16.12.2020 of the Juvenile Justice Board, Aurangabad are both hereby set aside.

It is directed that on the undertaking given by his father, the appellant shall be enlarged on bail in connection with Barun P.S. Case No. 127 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Aurangabad.

(Partha Sarthy, J)

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