

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No.556 of 2021**

- Sameer Shikari S/o Narbad Shikari Aged About 16 Years Resident Of Village Matiyari, Police Station Seepat, District Bilaspur Chhattisgarh Minor Represented Through Natural Guardian Father Narbad Shikari Son Of Late Kondu Shikari, Aged About 41 Years, Resident Of Village Matiyari, Police Station Seepat, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Basna , District Mahasamund Chhattisgarh.

---- Respondent

 For Applicant : Ms. Nirupama Bajpai, Advocate
 For Respondent/State : Mr. Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****28.9.2021.**

1. Challenge in this revision petition is to the order dated 19.8.2021 passed by the Juvenile Court/Special Judge under the Narcotic Drugs and Psychotropic Substances Act, Saraipali, Distt. Mahasamund (C.G.) in Criminal Appeal No. 09/2021, whereby the appeal preferred by the applicant-juvenile against the order of Juvenile Justice Board, Mahasamund dated 07.8.2021 in connection with Crime No. 376/2021 registered at Police Station Basna, Distt. Mahasamund (C.G.) has been dismissed, whereby the applicant has been denied bail.

2. Learned counsel for the applicant submits that the applicant is an innocent boy, he has been falsely implicated in

this case. He is in Observation Home since 14.7.2021. The juvenile applicant has no criminal antecedent, therefore, more detention will adversely affect his childish mentality, nothing against him has been mentioned in the social status report, despite that the Board as well as Appellate Court have dismissed his application without properly appreciating the facts mentioned in the social status report. The impugned orders passed by both the Courts below are erroneous and not sustainable. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant/juvenile.

3. On the other hand, while opposing the bail application, the learned counsel for the State submits that the applicant is a juvenile offender, despite that he was carrying 6 kg contraband article 'ganja' with his cousin brother in a motor cycle. He further submits that both the Courts below have not committed any error in passing the impugned orders, thus, the revision may be rejected.

4. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made by counsel for both the parties.

5. Perusal of the social status report shows that this is the first offence registered against the applicant/juvenile in respect of conflict with law. He is a student. As per the report, opinion of the neighbouring people towards the applicant is positive. No such circumstances have been mentioned, which may be a

ground for dismissal of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, he is in observation home since 14.7.2021. Looking to the above fact, I find that the Board as well as the appellate Court, both have committed error in not appreciating the social status report and above provision properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 19.8.2021 passed by Juvenile Court/Special Court under the Narcotic Drugs and Psychotropic Substances Act, Saraipali, Distt. Mahasamund (C.G.) in Criminal Appeal No. 09/2021 is set aside. It is directed that on furnishing a surety of Rs.20,000/- along with a bond of same amount which are to be of his natural guardian/ father/mother, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant shall be given in custody of his natural guardian/ father/ mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE