

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.120 of 2022**

Arising Out of PS. Case No.-102 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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XXX, S/O Manoj Kumar Tanti @ Manoj Kumar Resident of Meer Nagar,
Baikathpur, Ward No. 08, P.S.- Khusrupur, District- Patna, through his legal
guardian and father Manoj Kumar Tanti @ Manoj Kumar aged about 52
years, S/o Late Dinesh Prasad, R/o Mirnagar Baikathpur, P.S.- Khusrupur,
District- Patna Petitioner/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.
For the Respondent/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 30-09-2022 The social investigation report has been received in an
envelope which has been opened in course of hearing.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking setting aside
of the order dated 24.01.2022 passed in Cr.Appeal No.134 of
2021 by the Additional District and Sessions Judge-1-cum-
Special Judge, Juvenile court, Patna upholding the order dated
16.09.2021 passed in Juvenile Justice Board Case No.262 of
2021 arising out of P.R. No. 'E' 102/2021 registered for the
offence under Sections 30(a) and 56(c) of the Bihar Prohibition
and Excise Act, 2016 whereby and whereunder the learned
Principal Magistrate, Juvenile Justice Board, Gaya Ghat, Patna
City has been pleased to reject the prayer for bail of the



petitioner.

Learned counsel for the petitioner submits that as per the allegations, illicit liquors were recovered from the premises of Old Nalanda Factory. This petitioner has been arrested along with co-accused from the spot. Learned counsel submits that the petitioner is a juvenile aged about 17 years 8 days. He was a daily wager and has been picked up by police on mere suspicion. He has no criminal antecedent. The social investigation report would not indicate any adverse material against him. It is further submitted that the petitioner has passed his 12th examination in the year 2021.

Learned counsel submits that the father of the petitioner is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the study of the petitioner and shall ensure that he does not fall in bad company and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute that the petitioner is a juvenile. The social investigation report states that the child in conflict with law has no knowledge of liquor kept in the godown but was named in the FIR because



he was present there when the police raided the godown. As regards his character, the neighbours have stated that he is a student and has no criminal antecedent.

Having regard to the materials noted hereinabove as also following the spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in view of the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar reported in 2019 (4) PLJR 833** that classification of the offences under the bailable and non-bailable sections would not be relevant for purpose of grant of bail to a juvenile and the prayer for bail of a juvenile may be rejected only under one of the three conditions as under:-

- “(i) The release is likely to bring that person into association with any known criminal;
- (ii) The release is likely to expose the said person to moral or physiological danger; and
- (iii) The release would defeat the ends of justice.”

this court sets-aside the impugned order and directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/-(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Gaya Ghat, Patna in connection with J.J.B. Case No.262/2021 arising out of P.R. No. 'E' 102/2021.



One of the sureties should be the father of the petitioner and he will also furnish an undertaking that if released on bail, the petitioner shall not be allowed to come in contact of any bad element and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Gaya Ghat, Patna as regards the conduct of the petitioner. If anything adverse is found against the petitioner, the same will also be reported to the Board for necessary action.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

