

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.244 of 2022

Arising Out of PS. Case No.-612 Year-2019 Thana- PIRBAHOR District- Patna

(XXX) S/O Bhola Paswan Undar The Guardianship Of His Father Namely
Bhola Paswan, R/O Mohalla- Ramkrishna Colony, Near Kali Mandir, P.S.-
Bahadurpur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the State : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioner and Mr.
Jagdhar Prasad, learned APP for the State.

This revision application is directed against the order dated 05.03.2022 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Juvenile Court, Patna in Cr. Appeal No. 17 of 2022 whereby and whereunder the order dated 25.01.2022 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Patna City, Patna in JJB Case No. 683 of 2021 arising out of Pirbahore P.S. Case No. 612 of 2019 registered for the offences punishable under Sections 20, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') has been affirmed.

The petitioner in this case is a juvenile aged about 16



years 5 months 2 days on the alleged date of occurrence. Learned counsel submits that brown sugar was recovered from beneath the seat of the vehicle in which the petitioner was sitting. According to him, the petitioner was not in conscious possession of the same.

Learned counsel for the petitioner submits that the father of the petitioner is ready to stand as a surety and to furnish an undertaking that if released on bail he would ensure that the petitioner do not fall in bad company and he gets connected with the mainstream of the society.

Learned APP for the State does not dispute that the petitioner has no criminal antecedent. It is submitted that the report from the learned court below shows that the case is still pending for hearing on discharge petition and there are altogether 14 witnesses who are to be examined.

Having regard to the submissions and the materials for the present showing that the recovery is from the vehicle beneath the seat, the vehicle does not belong to him, the petitioner is a juvenile aged about 16 years 5 months 2 days, he has no criminal antecedent and the report from the learned court below shows that the case is still pending for hearing on



discharge petition and there are altogether 14 witnesses who are to be examined, considering the spirit of Section 12 of 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. versus 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 above named 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, Patna City, Patna in connection with JJB Case No. 683 of 2021 arising out of Pirbahore P.S. Case No. 612 of 2019.

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, Patna City, 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.

The application stands disposed of accordingly.

(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'.

