

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.695 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- SHERGHATI District- Gaya

XXX, S/O Nageshwar Ram Under guardianship of his mother Deokanti Devi
aged about 37 years, W/o Nageshwar Ram, R/o village- Bakshu Bigha, P.S.-
Vishnupad, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vinod Kumar, Adv. Mr. Bindeshwari Singh, Adv.
For the Respondent/s	:	Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking setting aside of
the judgment and order dated 25.09.2021 passed by learned
Special Judge (Children Court), Gaya in Criminal Appeal
(Juvenile) No.61/2021 (C.I.S.) as well as order dated 27.08.2021
passed by learned ACJM-cum-Principal Magistrate, Juvenile
Justice Board, Gaya in Misc. Case No.165/2021, Spl. Excise Case
No.748/2021 arising out of Sherghati P.S. Case No.212/2021
instituted under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016 whereby and whereunder the prayer for bail of the
petitioner has been rejected.

Learned counsel for the petitioner submits that, as per
the prosecution story, on 09.04.2021 at about 17.00 O'clock while



the informant along with other police officials were on patrolling duty near S.B.I. branch, Sherghati Bazar, he got a secret information that huge quantity of liquor is transporting from Jharkhand to Cherki via Sherghati in a black colour tempo. After getting information, the informant reached near Sub-Divisional Hospital, Sherghati then he saw that a black colour tempo is coming. It is alleged that on seeing the police party the driver of the tempo tried to flee away but he was apprehended and disclosed his name as Ramdeo Kumar (the petitioner). On search, 300 liters of mahua liquor was recovered from the said tempo.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 16 years and he has no criminal antecedent. Learned counsel submits that the petitioner has remained in the observation home since 02.08.2021 and his mother is ready to stand as surety and furnish an undertaking that if released on bail, the petitioner shall not be allowed to come in contact of any bad element.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner has been adjudged juvenile aged about 16 years and he has no criminal antecedent as also he has remained in the observation home since 02.08.2021 and his mother is ready to stand as surety and furnish



an undertaking that if released on bail, the petitioner shall not be allowed to come in contact of any bad element, 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, Gaya in connection with Spl. Excise Case No.748/2021 arising out of Sherghati P.S. Case No.212/2021. One of the sureties should be the mother of the petitioner and she will also furnish an undertaking that if released on bail, the petitioner shall not be allowed to come in contact of any bad element.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Gaya as regards the conduct of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

