

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.696 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- BATHNAHA District- Sitamarhi

XXX, S/o Mohan Mukhiya, Under the guardianship of Ful Kumari Devi, W/o Mohan Mukhiya, R/o Village - Bathnaha, Ward No.- 6, P.S. - Bathnaha, Dist. - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

This revision application is directed against the order dated 13.09.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge (Children's Court), Sitamarhi in Cr. Appeal No. 24 of 2021 whereby and whereunder the order dated 17.07.2021 rejecting bail of the petitioner by learned Juvenile Justice Board, Sitamarhi in J.J. Board Case No. 1076 of 2021 arising out of Bathnaha P.S. Case No. 30 of 2021 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2018 has been affirmed.



Learned counsel for the petitioner submits that the petitioner is alleged to have been arrested with 900 ml of illicit liquor.

Learned counsel submits that the petitioner has been declared juvenile by the Juvenile Justice Board, Sitamarhi aged about 14 years 08 months and 21 days on the alleged date of occurrence and he has remained in the observation home since 07.02.2021 and his mother is ready to stand as a surety and furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, she will inform it to the jurisdictional police station.

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 14 years 08 months and 21 days only on the alleged date of occurrence and in this case the allegation is that of recovery of 900 ml of illicit liquor from the petitioner, the petitioner has remained in the observation home since 07.02.2021 and his mother is ready to stand as a surety and furnish an undertaking as mentioned hereinabove, 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, Sitamarhi in connection with J.J. Board Case No. 1076 of 2021 arising out of Bathnaha P.S. Case No. 30 of 2021.

And further condition that one of the sureties shall be the mother of the petitioner who will also furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, she will inform it to the jurisdictional police station.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Sitamarhi shall keep a vigil over the petitioner and will be submitting his periodical reports to the Juvenile Justice Board as regards the conduct of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

