

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.19 of 2022**

Arising Out of PS. Case No.-133 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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XXX S/o Umesh Thakur Under the guardianship of Umesh Thakur, S/o Late Ganauri Thakur, Resident of Village - Puraini, P.S. - Giriyak, District - Nalanda at Biharsharif.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner : Mr.Sheo Kumar Prasad, Advocate
For the Respondent : Mr.Ajay Kumar No. 2, APP

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

3 25-07-2022 Learned counsel for the petitioner has undertaken to remove the remaining defects within one week from today.

Heard learned counsel for the petitioner and Mr. Ajay Kumar No.2, learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside of the order dated 29.11.2021 passed in Cr. Appeal (Juvenile) Case No. 32/2021 corresponding to G.O. Case No. 133/2021 by the learned Additional District & Sessions Judge – 1st – cum – Special Judge, Nawada registered for the offence under Section 30(a) and 56(b) of the Excise Act as well as the order dated 02.09.2021 passed by the Juvenile Justice Board, Nawada.

As per the prosecution story, while the informant got secret information he raided the vehicle and recovered 304.2 liters of illicit foreign liquor. The said vehicle is Tata Indigo



bearing Registration No. WB06B9114.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, he has no concern with the alleged vehicle in question. Learned counsel submits that petitioner has been adjudged juvenile aged about 16 years and 2 months and prior to the present case he had no criminal antecedent.

Learned counsel submits that the petitioner is in custody since 10.03.2021 and his father is ready to stand as a surety and furnish an undertaking that he will take the petitioner with himself and shall ensure his studies as well as that he would not fall in bad company and connect him with the mainstream of the society.

Mr. Ajay Kumar No. 2, learned A.P.P. 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 2 months and prior to the present case he had no criminal antecedent as also his father 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 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, Nawada in connection with G.O. Case No. 133 of 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, Nawada 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.

Certified copy of the order will be made available only after removal of the defects, as pointed out by office.

(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'.

