

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.02 of 2022

Manash Kanhar

.... ***Petitioner***
Mr.A.R.Panda, Advocate

-versus-

State of Odisha

.... ***Opp.Party***
Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.04.2022

Order No.

2. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel appearing for the State.
3. The Petitioner is admittedly a juvenile and he is in custody since 25.09.2021. It is submitted by the learned counsel for the Petitioner that charge sheet has been filed in this case by the Investigating Agency. It is also submitted by the learned counsel for the Petitioner that bar under section 37 of the NDPS Act does not apply to the present case as it has been held by this Court that that Juvenile Justice (Care and Protection of Children) Act, 2020 being the later Act shall over ride the provisions of the N.D.P.S.Act. In this context, he referred the judgment of this court in the case of **Ranjit Paika and another v. State of Orissa** reported in (2018) 71 OCR 454.
4. Learned counsel appearing for the State opposes for release of

the Petitioner CCL on bail on the ground that in the event the Petitioner CCL will be released, he may be exposed to harden criminal and again he may get involved in the crime of present nature.

5. Having heard learned counsel appearing for both sides and considering the fact that the Petitioner CCL is a juvenile and a first time offender and keeping in view the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the period of custodial detention which the CCL has already undergone, this Court is inclined to release the Petitioner-CCL on bail. Let the Petitioner-CCL be released on bail subject to furnishing bail bond of Rs.20,000/- (Rupees Twenty thousand) to be furnished by one of the parents of the CCL with one solvent surety for the like amount to the satisfaction of the learned court in seisin over the matter. Further, it is open for the learned Court in seisin over the matter to fix any suitable terms and conditions to ensure that the Petitioner CCL does not come in contact with any hardened criminal and get exposed to any criminal elements. If necessary the Court in seisin over the matter shall engage an NGO to supervise or take care of the CCL and apart from the above direction the Probation Officer shall submit periodical report with regard to the Petitioner-CCL before the learned court below and the CCL may also be provided periodic counseling.

6. With the aforesaid observation, the impugned order is set aside.

7. CRLREV is accordingly disposed of.

8. Issue urgent certified copy as per Rules.

