

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.438 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- HALSI District- Lakhisarai

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ABHIRAM @ ABHISHEK KUMAR Son of Rajbali Singh Resident of
Chandbara, P.S. and Distt. - Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Bhim Sen Prasad, Advocate
For the Respondent/s	:	Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 23-11-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner assisted by Shri Bhim Sen Prasad,
learned counsel and learned A.P.P. for the State.

2. Petitioner in the present case is seeking setting
aside of the order dated 20.05.2023 passed by learned
Additional District and Sessions Judge-I-cum-Special Judge,
Children Court, Lakhisarai in connection with Halsi (Ramgarh
Chowk) P.S. Case No. 6 of 2023 registered for the offence
punishable under Sections 8, 20(b)(ii)(c), 25 and 29 of the
Narcotic Drugs and Psychotropic Substances Act.

3. Learned Senior counsel for the petitioner submits
that the alleged recovery is not from conscious possession of the
petitioner. As per allegation, the bag containing 30 kg of *ganja*



was found inside the car which was being driven by someone else.

4. Learned Senior counsel submits that this petitioner was sitting as a passenger in the car and when the police intercepted the car, it is said that the petitioner got out of the said car and started fleeing away whereafter he was caught on chase.

5. Learned Senior counsel submits that on the basis of C.C.T.V. footage of the places nearby the spot from where the car was intercepted and the recovery was made, it was noticed that one Rishab Kumar, son of Rajballi Singh, who is brother of the petitioner was escorting the car and his motorcycle bearing No. BR53F5604. The said brother of the petitioner has been granted privilege of bail by a learned coordinate Bench of this Court in Cr. Misc. No. 63480 of 2023.

6. It is submitted that this petitioner has been adjudged juvenile aged about seventeen years nine months approximately and as such he deserves privilege of bail in view of the Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act of 2015').

7. On the other hand learned A.P.P. for the State has



opposed the prayer for bail of the petitioner. It is submitted that the petitioner is being tried as an adult after his preliminary assessment under Section 15 of the Act of 2015. The allegations are serious and it would appear from the social investigation background report submitted by the Child Welfare Police Officer that the petitioner was apprehended during the vehicle checking and 30 kg of *ganja*, which is a commercial quantity, was recovered from the bag which was in his possession.

8. Having regard to the entire facts and circumstances of the case, considering that the petitioner is being tried as an adult for an offence after his preliminary assessment under Section 15 of the Act of 2015 and the bar of Section 37 of the Narcotic Drugs and Psychotropic Substances Act would be attracted in this case, this Court is not inclined to interfere with the impugned order, at this stage.

9. Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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