

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.480 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

Ram Pravesh Kumar Son of Late Sunder Tanti Resident of Village - Mitra
Chak Naya Tola Ward No.3, P.s.- Industial, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Respondent/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-03-2023

Let the defect(s), if any, be removed within two
week from today.

Learned counsel for the petitioner and learned APP
for the State present.

The present Cr. Rev. has been filed against the
Judgment dated 20.05.2022 passed by Addl. Sessions Judge-
cum- Spl. Judge (Children Court) Bhagalpur in connection with
Cr. Appl. No. 12/2022 by which order dated 14.12.2021 passed
in Industrial P.S. Case No. 113 /2021 registered under Sections
8, 20(b)(II)(c)/22 of the N.D.P.S. Act whereby prayer for bail of
the appellant were rejected.

Counsel for the petitioner submits that total 3 kg
ganja has been recovered from the physical possession of the
petitioner and he is apprehended in observation home since
30.08.2021 that is about 1year, 7 month approx. Counsel
submits that this court has called for the Age Determination

Report as well as Social Investigation Report. From the Age Determination Report, it transpires that on the date of occurrence, the age of petitioner was 30 years, 6 months and 8 days. As such the board has held this petitioner to be a child. From the social investigation report, it transpires that there were 4 persons living in the family i.e. mother, 2 brothers and one sister. It also transpires that they belongs to a lower middle class family and their earning are dependable on agricultural income. It has been also informed in the social investigation report that his father is no more and due to non- caring, this petitioner has involved in the crime. One person in the same locality has given Rs.2000/- and in greed, he has taken the ganja to displace from one place to another. Counsel for the petitioner submits that mother of the petitioner is ready to take care of his child. Recommendation was also made that the petitioner may be kept under the supervision of Probation Officer.

Counsel further submits that the recovered *ganja* 3 kg which is below commercial quantity. There is gross violation of Section 50 of the N.D.P.S. Act and Section 100 of the Cr.P.C. in this case. Counsel for the petitioner submits that the natural guardian and mother of the petitioner is ready to provide undertakings that in future, his son will not do such mistakes.

He is also ready to appear fortnightly before the Probation Officer of the locality.

Learned counsel for the State opposes the prayer of the petitioner and submits that there is likelihood that the petitioner may start committing crime.

In the present facts and circumstances, I am hereby directing to release the petitioner/appellant on the undertakings given by his natural guardian and mother and both mother as well as son will visit to Probation Officer once in a month considering that child is in conflict with law and for its proper growth, love-affection of the family members are necessary.

In this view of the matter, the judgment dated dated 20.05.2022 passed by Addl. Sessions Judge-cum- Spl. Judge (Children Court) Bhagalpur in connection with Cr. Appl. No. 12/2022 by which order dated 14.12.2021 passed in Industrial P.S. Case No. 113 /2021 is hereby **set aside**.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	