

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3942 of 2022**

Arising Out of PS. Case No.-11 Year-2022 Thana- CHHAURADANO District- East
Champaran

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RAVI RANJAN KUMAR, Son of Lalan Mahato, Resident of Village- Jalha,
P.S.- Sangrampur, District- East Champaran, through his brother/ Guardian,
namely Rahul Kumar, aged about 31 years(M), Son of Lalan Mahato,
Resident of Village- Jalaha, P.S.- Sangrampur, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Ms. Anita Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

8 21-09-2023 1. Heard learned counsel for the appellant and learned
APP for the State.

2. The instant appeal has been filed under Section
101(5) of Juvenile Justice (Care and Protection of Children) Act,
2015 against the order dated 12.10.2022 passed by learned
Additional Sessions Judge 1st-cum-Special Judge, Children's
Court, East Champaran at Motihari in connection with Children
Trial No. 12 of 2022, arising out of Chhauradano (Mahuawa) P.S.
Case No. 11 of 2022 registered for the offences punishable under
Sections 20(b)(ii) (c) and 23(c) of the N.D.P.S. Act whereby and
whereunder the prayer for bail made by the appellant has been



rejected.

3. The main submissions advanced by learned counsel for the appellant are that though the instant matter relates to the recovery of huge quantity of narcotic materials suspected to be *Ganja* but as per the allegation levelled in the FIR, altogether 9 persons indulged in smuggling of the alleged narcotic materials and 9 packets are stated to have been recovered, out of them, only 2 packets are stated to have been recovered from the possession of this appellant and other apprehended co-accused but there is no allegation of recovery of the said packets from the specific possession of the appellant and prosecution has not differentiated the particular packet which is stated to have been recovered from the possession of this appellant from the other recovered packets. Further submission is that as per the social investigation report, there are several major family members in the family of the appellant and the brother of the appellant is ready to take care of the appellant. Further submission is that the appellant has been in observation home since 12.01.2022 and he has not remained involved earlier in similar type of offences.

4. Learned APP appearing for the State has opposed the prayer for bail of the appellant and submitted that in view of the huge quantity of the recovered contraband, the appellant's bail prayer has been rightly rejected by the court below.



5. Heard both the side and perused the social investigation report which shows that there are several major family members in the family of the appellant, most of them have fair and clean antecedent and the brother of the appellant who is a deponent in the present appeal is ready to take care of the appellant, after his release from the observation home and the said report also goes to show that previously, the appellant used to teach the childrens of Nursery class and he has enrolled himself in Intermediate class. The report does not show any past criminal activity of the appellant and moreover, the appellant has spent considerable protective custody period in remand home which is sufficient to keep him under observation. Though the instant matter relates to the recovery of huge quantity of the narcotic material but the FIR goes to show that several persons indulged in trafficking the alleged seized contrabands, In the light of the said circumstances, in my opinion, the appellant deserves to be released from the observation home. Accordingly, let the appellant named-above be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge Children's Court, East Champaran at Motihari in connection with Children Trial No. 12 of 2022, arising out of Chhauradano (Mahuawa) P.S. Case No. 11 of 2022.



6. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J)

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