

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.537 of 2024

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

Abhiram @ Abhishek Kumar, Son of Rajbali Singh, R/O Vill.- Chandbara,
P.s.- Jamui, Dist.- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi, Advocate
For the Respondent/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner in this case is seeking setting aside of the order dated 20.06.2024 passed by learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST, 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 whereby and whereunder the learned court has been pleased to reject the prayer for bail of the petitioner.

3. As per the prosecution story, a bag containing 30 kg of Ganja was recovered from a car.

4. Learned counsel for the petitioner submits that the petitioner is a juvenile. He has been found aged about 17 years 9 months approximately at the time of the alleged occurrence and

the car in which he was travelling does not belong to him. The petitioner has also no criminal antecedent. The father of the petitioner is available to give undertaking that if released on bail, he will not allow the petitioner to come in contact of any bad element and in case he is found getting involved in company of bad elements, the same will be reported to the nearest police station.

5. Learned counsel submits that while rejecting the prayer of the petitioner in Cr.Rev. No.438 of 2023, this Court observed that this Court is not inclined to interfere with the impugned order at this stage.

6. Learned counsel submits that subsequently the petitioner moved afresh in the court of learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST, Lakhisarai for grant of bail which has been rejected vide order dated 20.06.2024. The learned Special Judge has recorded the submissions which were made on behalf of the petitioner, one of which is that the petitioner is very sick and infirm due to serious diseases. It has also been contended that the petitioner is a student preparing for getting higher education and there is no grievance in the society against him.

7. Learned counsel submits that the learned court below rejected the prayer of the petitioner for bail saying that there is

likelihood that in the event of his release on bail, he would fall prey to the gangsters and criminals in peddling and trafficking of NDPS. It is submitted that since the petitioner has no criminal antecedent and father of the petitioner is ready to furnish appropriate undertaking that he would not allow the petitioner to come in contact with bad elements, considering that he has already remained in custody since 10.01.2023 and till date the trial has not begun, the petitioner may be enlarged on bail.

8. The prayer has been opposed by learned APP for the State. This Court had called for a report from the learned Special Judge, Children Court, Lakhisarai which has been received vide letter no.76/2024. It is stated therein that despite letters sent to the observation home for production of the child in conflict with law, he has not been produced and it has been informed to the court that he had been coming ill and that's why has not been produced as yet for framing of charge.

9. Having regard to the submissions noted hereinabove and on finding that till date the charge has not been framed against the petitioner, he is a juvenile and is said to be coming ill and for that reason he is not being produced, this Court sets aside the impugned order and directs release of the petitioner above named 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 Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST, Lakhisarai in connection with Halsi (Ramgarh Chowk) P.S. Case No.6 of 2023.

10. One of the sureties shall 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.

11. The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Lakhisarai 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.

12. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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