

**CRM (NDPS) 846 of 2024**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Berhampore Police Station** Case No. **463 of 2014** dated **12.04.2014** under Sections **21(C)/29** of the NDPS Act.

- A n d -

**In the matter of : Firoj Sk.**

.... Petitioner.

Mr. Soumyajit Das Mahapatra,  
Mr. S. Adhikari,

... For the Petitioner.

Mr. Tanmoy Kr. Ghosh,  
Mr. Mainak Gupta,

... For the State.

Read order dated May 22, 2024.

It was submitted on the last occasion that the petitioner, at the time of occurrence, was 13 years old and, therefore, a juvenile. Erroneously, the age was recorded as 14 years in the last order.

A coordinate bench had directed the State to verify the aforesaid contention of the petitioner and place a report in this regard before the Court.

Today, a report has been placed, which is completely inconclusive. Let the same be taken on record. The report is to the effect that neither any birth certificate could be obtained nor any certificate from the concerned school could be obtained. Hence, the State is unable to establish whether or not the petitioner was a juvenile as on the date of occurrence of the alleged crime.

We are of the view that this issue should be gone into by the Juvenile Justice Board as per the provisions of the Juvenile Justice Care and Protection Act, 2005. Accordingly, we grant liberty to the petitioner to file appropriate application before the Juvenile Justice Board for determination as to whether he was a juvenile as on the date of occurrence of the alleged crime. Once the Juvenile Justice Board records its finding in the aforesaid regard, the petitioner will be at liberty to approach this court praying for bail.

CRM (NDPS) 846 of 2024 is, thus, disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**( Apurba Sinha Ray, J. )**

**( Arijit Banerjee, J. )**

Signed By :  
ABHIJIT KOLE  
High Court of  
Calcutta  
10 th of June  
2024 06:11:36  
PM