

59.
Court
No.28

17.09.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1419 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Berhampore** Police Station Case No. **463/2014** dated **12.4.2014**, under Sections **21(C)/29** of NDPS Act, 1985.

And
In the matter of: - **Firoj Sk** ...petitioner.
Mr. Somnath Adhikary ...for the petitioner.
Mr. Partha Pratim Das
Mr. Soumadip Saha ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner had earlier approached this Court praying for bail by filing CRM (NDPS) 846 of 2024. It was submitted on behalf of the petitioner that at the time of occurrence of the alleged crime, he was 13 years of age and, therefore, a juvenile. By an order dated June 10, 2024, this Court had disposed of that bail application with the following observations:-

“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.”

2. The petitioner has again approached this Court with the order of the Juvenile Justice Board, Murshidabad, dated

August 8, 2024. The Board holds, after due ossification test, that at the time of commission of the alleged offence, the petitioner was a juvenile.

3. In view of the above, this application for bail is allowed.
4. Accordingly, we direct that the petitioner, namely, **Firoj Sk** shall be released on bail upon furnishing a personal bond of Rs.10,000/- (Rupees Ten Thousand) with the condition that he shall attend each and every hearing before the Juvenile Justice Board.
5. The application for bail being CRM (NDPS) 1419 of 2024 is accordingly disposed of.
6. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)