

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.173 of 2025**

Arising Out of PS. Case No.-272 Year-2024 Thana- Excise P.S. District- Araria

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Child in Conflict with Law H, through his father Md. Shafi Anwar @ Safi Anwar Son of Md. Rafik Resident of Bangali Tola/ Ali Tola, Ward No.24/22, P.S. - Farbisganj and District - Arariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. Santosh Kumar, Advocate |
| For the Respondent/s | : | Mr. Shyam Kumar Singh, APP  |

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**

ORAL ORDER

|   |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 3 | 08-05-2025 | <p>1. An application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has been filed on behalf of the “H”, a CICL through his father, assailing an order of rejection of bail, passed by the learned Additional Sessions Judge-1st, Arariya, vide order dated 2<sup>nd</sup> of January, 2025 in Cr. Appeal No. 30 of 2024, affirming the order, passed in JJB No. 80 of 2024, arising out of Arariya Excise P.S. Case No. 272 of 2024, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act. The</p> |
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above-mentioned P.S. Case was registered on the basis of a *suo motu* complaint submitted by one Santosh Kumar, ASI of Police attached to Kuwari Check Post under Police Station, Arariya, stating, inter alia, that in order to work out a secret information, he along with the members of police force were performing vehicle checking duty at about 10:40 P.M on 18<sup>th</sup> of July, 2024 to work out an information that foreign liquor would be brought from Nepal to the State of Bihar for delivery. At about 12:30 A.M in the night of 18<sup>th</sup> / 19<sup>th</sup> of July, 2024, the police party saw one motorcycle with two passengers proceeding through the road where the police party were conducting raid. Police instructed them to stop the vehicle but they tried to flee away. While fleeing away, they fell down from the motorcycle and were apprehended by the police. The said persons disclosed their name and identity. On search, 15 bottles of Beer were recovered from the backpacks of the said two persons. The bottles of liquors were seized at the spot. The said two persons arrested and they were taken to the police vehicle to bring them to the Police Station. On the way, both the persons opened the backside door of the vehicle and jumped from the running vehicle to flee away. As a result, both of them sustained serious injuries of their person. They were immediately taken to the



hospital. One of the arrested persons, namely, Pawan Kumar died on the way to hospital. The CICL was medically treated and he was recovered from his illness.

2. After his recovery, he was produced before the JJB, Arariya and the Board found the CICL a Juvenile aged about 14 years 2 months and 13 days vide order dated 18<sup>th</sup> of August, 2024.

3. The CICL prayed for bail of the juvenile before the Board but it was rejected on the basis of the report of the Probation Officer that the CICL committed such offence of illegal trading of foreign liquors in association with other boys of the same age group. Against the said order of rejection of bail, the CICL preferred an appeal before the Children's Court, Arariya, which was registered as Criminal Appeal No. 30 of 2024, and by passing the impugned order, the learned Additional Sessions Judge-1st, Arariya dismissed the appeal affirming the order of rejection of bail passed by the JJB.

4. The said order is under challenge in the instant revision.

5. It is submitted by the learned Advocate for the CICL that the CICL fell in association with some criminal minded boys of his age group and was enraged in transporting



foreign liquor illegally.

6. However, the social investigation report submitted by the Probation Officer reveals that the CICL does not have any addiction. He is a member of a moderate family and his own elder sister is a graduate. Therefore, there is an atmosphere of education in the house of the CICL. The CICL, however, did not pursue his academic career and he left his studies after Class-V. It is also found that the parents of the CICL failed to control him and guide him to the right path.

7. The CICL was involved in illegal trade of foreign liquor being associated with his friends. He is at his adolescent.

8. The Court believes, especially, considering the precedents of presumption of innocence to be taken in favour of the CICL, the order of rejection of bail is liable to be set aside.

9. In view of such circumstances, the impugned order, dated 2nd of January, 2025, passed by learned Additional Sessions Judge-1st, Arariya in Appeal No. 30 of 2024 is set aside.

10. Considering such aspect of the matter, let the CICL above-named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with one sureties of the like amount to the satisfaction of learned J.J.B, Arariya in



connection with Arariya Excise P.S. Case No. 272 of 2024.

11. The instant Criminal Revision is accordingly  
allowed.

**(Bibek Chaudhuri, J)**

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