

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.300 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- BIRPUR District- Supaul

Rohit Kumar S/o- Jurilal Mehta Resident of village - Baisa, Ward No. 11,
Police Station - Bhaptiyahi, Dist- Supaul, through the Guardianship of Jurilal
Mehta, Son of Late Munar Mehta R/V- Beisa, W.No-11, Ps- Bhaptiyahi Dist-
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun
For the Respondent/s : Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 19-06-2025 On 02nd July 2024, a boy aged about 16 years, was

apprehended by the on-duty personnel of Sashastra Seema Bal
(hereinafter referred to as ‘SSB’) while driving a motorcycle on
the road which is about 2 kilometers away from the
international borders between Bihar and Nepal near SSB
Chowki at Banelipatti. A bag was recovered from the said
motorcycle containing 41100/-Tramadol Gtdeochloside tablets.
The said tablets being prohibited narcotic substances, the boy
was apprehended and the articles were seized. A complaint was
lodged by the Assistant Commandant, SSB before the SHO



Birpur Police Station. On the basis of the said complaint, police registered Birpur P.S. Case No. 246/24 dated 2nd July 2024 under Section 22(C) of the NDPS Act against the above-named Juvenile.

2. Juvenile prays for bail before the Board as well the Children's Court having being rejected, the instant criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 has been filed.

3. It is submitted by the learned Advocate for the juvenile that the juvenile is not the owner of the motorcycle. As adolescent curiosity, the juvenile was driving the motorcycle of which he was not the owner. He had no idea that there was sedative drugs in a bag of the said motorcycle. While driving the motorcycle, he was apprehended by the members of the SSB and implicated a false case under the NDPS Act. Police also failed to trace out the original owner of the motorcycle. He was not interrogated as to the ownership and possession of narcotic substances.

4. It is further submitted by the learned Advocate on behalf of the juvenile that prayer for bail of the juvenile was rejected on mechanical ground by the Board holding, *inter alia* that the juvenile is attached to illegal trade of narcotics. The



nature of offence is heinous. The social investigation report was against the juvenile. The Court of Appeal just detort the observation of the Board and refused the prayer for bail.

5. It is submitted by the learned Advocate for the juvenile that both the Board and the Court of Appeal did not consider with an application for bail of the juvenile is to be treated on the principle of presumption of innocence, best interest of the child and known non-stigmatising semantics. Section 12 of the Act clearly states that the rigors of the Code of Criminal Procedure or BNSS or any other penal provision will not be applicable while considering the prayer for bail of the juvenile in conflict with law. This Court on principle agrees with the submission on legal point made by the learned Advocate for the juvenile. However, so far as offences relating to narcotic substances are concerned, there is a specific provision under Section 35 of the NDPS Act, 1985 relating to presumption of culpable mental state. Whenever, narcotic substance is recovered from the possession of any person, culpable mental state is presumed by the Court unless the contrary is proved by the accused. In the instant case, reverse burden lies with the juvenile to prove the contrary which he failed to establish.

6. For the reasons stated above, I am not inclined to



release the petitioner on bail. The prayer for bail is thus,
rejected.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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