

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3509 of 2024

Arising Out of PS. Case No.-82 Year-2023 Thana- BALIA BELON District- Katihar

KARAN KUMAR @ KARAN KUMAR MANDAL S/O RAJESH KUMAR
MANDAL @ RAJESH KUMAR UNDER THE GUARDIANSHIP OF HIS
FATHER, R/O VILLAGE- NARAYANPUR, P.S- BIHPUR, DISTT.-
BHAGALPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-04-2025 Heard learned counsel for the appellant and learned
A.P.P. for of the State.

2. This appeal has been filed against the order dated
06.06.2024 passed by learned ADJ 1st cum Children Court,
Katihar in N.D.P.S. Case No. 26 of 2023, arising out of Balia
Belon P.S. Case No. 82 of 2023, registered under Sections 20/22
of the N.D.P.S. Act, whereby the prayer for bail of appellant has
been rejected.

3. As per prosecution case, on the alleged date and time
of occurrence, the appellant and other co-accused persons were
apprehended by the informant while they were fleeing away and
in course of search, total 37.300 kg of *Ganja* and mobile phones



were recovered from their joint possession, which was kept in Alto Car.

4. Learned counsel for the appellant submits that bail application of the appellant, who is juvenile in conflict with law, has been rejected by the Court below considering the merit, nature and gravity of the offence, which is not in consonance with Juvenile Justice (Care and Protection of Children) Act, 2015 (for short "J.J.Act"). He further submits that no incriminating article has been recovered from the conscious possession of this appellant and he was simply a co-passenger in the said car. He next submits that appellant has been declared juvenile by the Juvenile Justice Board on 14.12.2023 and the Board has found his age as 17 years 9 months and 9 days (copy of order is annexed as Annexure P-3 to the supplementary affidavit). Similarly situated co-accused namely Ajay Kumar has already been granted bail by this Court, vide order dated 03.05.2024 passed in Cr.Misc. No. 76301 of 2023. The driver of the said car namely Mithun Kumar has also been granted bail by this Court, vide order dated 20.12.2024 passed in Cr.Misc. No. 78645 of 2024 (Annexure P-4 to supplementary affidavit). The appellant is in custody since 24.06.2023, having no criminal antecedent.



5. Learned A.P.P. for the State opposed the appeal.

6. Heard learned counsel for the parties. In case of bail to a juvenile in conflict with law, the approach of the Court has to be different. While considering the bail application of juvenile in conflict with law, the Court has to consider following three grounds, mentioned in Section 12 of the J.J.Act:

“(i) Likelihood of association with known criminals,

(ii) Likelihood of moral, physical or psychological danger, and

(iii) Likelihood to defeat ends of justice, rather than searching into merits of case of nature and gravity of allegations.”

7. In this case, the aforesaid grounds were not considered nor any social investigation report was called for and the bail application of appellant was rejected on merit.

8. Accordingly, considering the aforesaid facts and circumstances as well as period of custody and clean antecedent, the impugned order dated 06.06.2024 is, hereby, set aside and this appeal is allowed.

9. Let the appellant, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ 1st cum Children Court, Katihar in connection with



N.D.P.S. Case No. 26 of 2023, arising out of Balia Belon P.S.
Case No. 82 of 2023, subject to condition that *one of the bailors will be father of the appellant and he would file an affidavit giving an undertaking to the effect that he will take care of good behaviour and child's (appellant) well-being and will not allow him to go in the company of bad elements.*

(Prabhat Kumar Singh, J)

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