

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.949 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- R S P.S. District- Araria

Noor Hasan @ Noor Hasan Ansari S/O Nabi Hasan R/O Village- Rajokhar, Idgah Tola, Ward No.-05, P.S- Araria (RS), Distt.- Araria. Under Guardianship of his father Nabi Hasan aged about 47 years, S/O Dukhu Miyan, Resident of Village- Rajokhar, Idgah Tola, Ward No.-05, P.S- Araria (RS), Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/O Umesh Prasad S.I cum SHO, R.S. Police Station. R/O Village and P.O- Vishanpur, Kolahi, P.S- Kumar Khand, Distt.- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

For the Respondent/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 31-07-2025 The petitioner is the father and natural guardian of the

CICL.

2. The instant revision challenges an order dated 30.09.2024 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Children's Court, Araria affirming the order dated 29.07.2024 passed by the Juvenile Justice Board, Araria in J.J.B. Case No.57 of 2024 arising out of Araria (RS) P.S. Case No.12 of 2024 dated 17.03.2024 rejecting the prayer for bail of the CICL in a case under Section 21(b) of the N.D.P.S. Act.

3. Prosecution case, in brief, is that on 17.03.2024, the S.H.O. of the jurisdictional police station received a secret information that one Sohrab @ Chhotu was in possession of



huge quantity of smack in his house. The concerned police officer informed the matter to his Senior Officer as well as Sub-Divisional Magistrate and conducted a search in the house of Sohrab @ Chhotu. Seeing the police party, three persons tried to flee away but police apprehended all of them. Police also found that seeing them one lady was trying to close the door of the house, she was apprehended by lady police personnel, on search a sum of Rs.3,03,000/- and 60 gms. of smack were recovered from the police of Sohrab @ Chhotu and Rs.1,00,390/- was recovered from the said lady, named Razina Khatoon disclosed that the money recovered from her was the self proceeds of the business of Narcotic drugs, which was to be handed over to Sohrab @ Chhotu.

4. It is contended on behalf of the CICL that on the date of occurrence, CICL was aged about 15 years 04 months and 23 days. No contraband article was seized from the possession of CICL. He was implicated in the case as he was apprehended alongwith Sohrab @ Chhotu. Both the Juvenile Justice Board and the learned Judge in Children's Court failed to appreciate that a case under the Juvenile Justice Act is required to be administered on the basis of presumption of innocence. When no Narcotic substance was recovered from the possession



of the CICL, there is no reason to detained him in custody.

5. For the reasons stated above, the petitioner/CICL, above-named, may be granted bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each, one of whom must be a local surety, to the satisfaction of the learned Juvenile Justice Board, Araria in connection with J.J.B. Case No.57 of 2024 arising out of Araria (RS) P.S. Case No.12 of 2024; subject to following condition that:-

(I) One of the bailor must be the mother of petitioner/CICL.

(II) further condition that if on bail he shall be under the care and protection of his mother and under the supervision of the Probation Officer, who will submit quarterly report about the antecedent of petitioner/CICL before the Board and if any such report is found to be unsatisfactory, the Board is at liberty to cancel the order of bail without reference to this Court.

6. With the above order, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J)

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