

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.105 of 2026

Arising Out of PS. Case No.-759 Year-2025 Thana- JAKKANPUR District- Patna

X1

... .. Petitioner

Versus

1. The State of Bihar.
 2. Md. Arif (Sub Inspector cum Officer Incharge), R/v- Jakkanpur, PS-
Jakkanpur, Dist- Patna.
- Respondents

with

CRIMINAL REVISION No. 106 of 2026

Arising Out of PS. Case No.-759 Year-2025 Thana- JAKKANPUR District- Patna

X2

... .. Petitioner

Versus

1. The State of Bihar.
 2. Md. Arif (Sub-Inspector-cum Officer In Charge of Jakkanpur), P.S. -
Jakkanpur, Dist. - Patna.
- Respondents

Appearance :

(In CRIMINAL REVISION No. 105 of 2026)

For the Petitioner : Mr. Digvijay Kumar Ojha, Advocate

For the State : Mr. Nand Kumar, APP

(In CRIMINAL REVISION No. 106 of 2026)

For the Petitioner : Mr. Digvijay Kumar Ojha, Advocate

For the State : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-06-2026

Both the criminal revision petitions have arisen out of the same J.J.B. case number as well as police station case number, hence they are being heard together and decided by a common order.

2. Present learned counsel for the petitioners, learned APP for the State as well as learned counsel for the opposite party



no. 2. Since the opposite party no. 2 is an official of Police Department, therefore no notice was issued to him.

3. From perusal of record, it transpires that in the revision petitions, the identity details of the petitioners / child in conflict with law (for brevity, "CICL") are being disclosed, which is against the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity, "the Act of 2015"), which mandates protection of disclosure of identity of the CICL. Therefore, the identity of the CICL in Criminal Revision No. 105 of 2026 is being referred to in the cause title as X1 and the identity of the CICL in Criminal Revision No. 106 of 2026 is being referred to in the cause title as X2.

4. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.

5. The instant criminal revision petitions are directed against the order dated 06.12.2025 passed by the learned Additional District Judge-I-cum-Special Judge Children's Court, Patna, in Criminal Appeal No. 124 of 2025 and Criminal Appeal No. 125 of 2025, whereby and whereunder the appeals were dismissed and the order of learned Juvenile Justice Board, Patna dated 18.10.2025 passed in J.J.B. Case No. 1290 of 2025, arising out of Jakkanpur P.S. Case No. 759 of 2025 for offence punishable



under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 has been affirmed.

6. The learned J.J. Board *vide* order dated 08.10.2025 declared the petitioners as CICL in J.J.B Case No. 1290 of 2025. Petitioners are in judicial custody since 23.09.2025.

7. As per prosecution case, Md. Arif, S.I.-cum-Officer Incharge of Jakkanpur Police Station registered his written statement on 23.09.2025 stating therein that on 23.09.2025, the informant along with other Police personnel while on patrolling duty saw two suspicious looking persons (petitioners) carrying backpacks coming towards them. When the Police tried to arrest them on suspicion, they started fleeing away, but were subsequently arrested after a chase. From the backpack of petitioner in criminal revision no. 105 of 2026, 102 piece in 100 ml each of Wiscof cough syrup prepared by Codeine Phosphate and Tripolidine Hydrochloride were recovered and from the backpack of petitioner in criminal revision no. 106 of 2026, 96 piece in 100 ml each of Wiscof cough syrup prepared by Codeine Phosphate and Tripolidine Hydrochloride were recovered.

8. Being aggrieved by the order dated 06.12.2025 passed by the Appellate Court in Criminal Appeal No. 124 of 2025 and Criminal Appeal No. 125 of 2025 respectively, the petitioners have moved the present revision petitions before this Court.



9. Learned counsel for the petitioners / CICL submits that the petitioners / CICL are innocent and they have been falsely implicated in this case. The learned Courts below did not consider that the search and seizure have been made contrary to the mandate of the law. Learned counsel also submits that the learned Appellate Court as well as learned J.J. Board have observed that the petitioners indulged in the crime after coming into contact with bad company and there was moral, physical and psychological danger to the petitioners if they would be released on bail. The learned Appellate Court has also noted the fact that there was lack of discipline in the house of the petitioners and there was no control over the petitioners. But there is no substantive material to arrive at such finding as the petitioners are having clean antecedent and there was no previous history of petitioners indulging in any crime. Learned counsel also submits that the purpose of J.J. Act is reforming a CICL and not to penalize him. Learned counsel also submits that the grant of bail is a rule under Section 12 of the J.J. Act and refusal could only be under the exceptions under the proviso of the said provision, but none of the conditions are present in the instant case of the petitioners. Therefore, the impugned orders of the learned Appellate Court are not sustainable and the same need to be set aside allowing the petitioners to be enlarged on bail.



10. Learned APP for the State vehemently opposes the submissions made on behalf of the petitioners / CICL and submits that petitioners are caught red handed carrying Codeine Phosphate liquid in their backpacks. Learned counsel further submits that the release of the petitioners would certainly expose them to the company of known criminals since the petitioners being juveniles were supplied with contraband by such persons.

11. I have given my thoughtful consideration to the rival submissions advanced by the parties and perused the record.

12. Section 12 of the Act of 2015 makes it clear that a CICL could be denied bail only on the ground that on release, the said child would come in contact with criminal elements or there was danger to the moral, physical and psychological well being of the CICL or the release would defeat the ends of justice. If these grounds are not present, the bail could not be denied to a CICL.

13. Further, the Act of 2015 is, in fact, child friendly. The central theme is that the interest of child is supreme. Section 3 of the Act of 2015 incorporates the general principles to be followed in the administration of the Act. According to which, “all decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential. In fact, Section 3(iv) of the Act of 2015 provides for the principle of best interest and for all



decisions regarding the child shall be based on the primary consideration that they are in the best interest of the child and to help the child to develop full potential. Section 3(xii) of the Act of 2015 makes it abundantly clear that a child shall be placed in institutional care as a step of last resort after making a reasonable inquiry. Further, Section 3(xiii) of the Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides for Principle of repatriation and restoration stating that a CICL shall have the right to re-unite with his family and be restored to the social, cultural and the economic background that he came from unless such restoration and repartition is not in the CICL's best interest.

14. Cumulative reading of aforesaid provisions show the CICL should be released on bail unless the fact comes on record that there was chance of such child coming in contact with a known criminal or enlarging such child on bail might expose him to moral, physical or psychological danger. Further, the courts being *parens patriae* are supposed to look into for protection of best interest of the child. All such steps are to be taken by the Courts for reformation and rehabilitation of a CICL.

15. In the facts of the present case, as the petitioners are having clean antecedent and learned Appellate Court as well as learned J.J. Board have not disclosed the material on which it has



been recorded that there was possibility of petitioners coming into association of known criminals or they would be exposed to mental, physical and psychological danger or their release would defeat the ends of justice. If the order of the Appellate Court is devoid of such material, such order could not be sustained.

16. Accordingly, the order of the Appellate Court dated 06.12.2025 passed by the learned Additional District Judge-I-cum-Special Judge Children's Court, Patna, in Criminal Appeal No. 124 of 2025 and Criminal Appeal No. 125 of 2025 is set aside. Subsequently, the order of the learned J.J. Board, Patna dated 18.10.2025 passed in J.J.B. Case No. 1290 of 2025, arising out of Jakkanpur P.S. Case No. 759 of 2025 is also set aside.

17. Let the petitioners, children in conflict with law, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Patna / concerned Court in connection with JJB Case No. 1290 of 2025, arising out of Jakkanpur P.S. Case No. 759 of 2025, subject to the following conditions:

(i) One of the bailors will be the parents of the petitioners and the other bailor will also be relative of the petitioners having no criminal antecedent and shall give undertaking that he / she shall keep proper care and upkeep of the



petitioners.

(ii) The petitioners shall remain present before the Board on each and every date of trial of the case fixed by the Board.

18. Accordingly, both the revision petitions are allowed.

19. The office is directed to send back the LCRs to the courts concerned forthwith.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.06.2026
Transmission Date	30.06.2026

