IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (FOR REGULAR BAIL) NO. 2300 of 2026

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XYZ THRO. BHAGWANRAM RAGHUNATHRAM DEVANSHI

Versus

STATE OF GUJARAT

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Appearance:
MR ASIM PANDYA, SENIOR ADVOCATE for MR JAIMIN A MEHTA(10552) for the Applicant(s) No. 1
MR NARENDRA RANAMALJI MADHU(13497) for the Applicant(s) No. 1
MS.HIRAL B PARMAR(16825) for the Applicant(s) No. 1
MS CM SHAH, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

Date : 23/10/2026

ORAL ORDER

1. Rule. Learned APP waives service of notice of Rule for the respondent – State.

2. The present Criminal Revision Application has been filed by the applicant – father of the Child in Conflict with Law under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as, ''the J.J.Act''), seeking quashing and setting aside of the judgment and order dated 14.07.2026 passed by the learned Special Judge (Children Court) Surat in Criminal Appeal No.1045 of 2026, whereby the appeal preferred by the applicant came to be dismissed and the

judgment and order dated 02.07.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Surat in Criminal Miscellaneous Application No.9903 of 2026 rejecting the application for bail filed by the applicant under Section 12 of the J.J.Act seeking release of the Child in Conflict with Law on regular bail was confirmed.

3. The brief facts of the case are as under :

3.1. As per the prosecution case emerging from the police papers, on 24.02.2025, acting upon secret information, the DCB Police laid a watch near Madhav Chowk, Katargam, Surat, and intercepted two persons, namely, Bharatbharthi Amrutbharthi Goswami and Sharifkhan Hajikhan Nayak. During the course of search, 268.600 grams of Mephedrone (MD Drugs), having a market value of Rs.26,86,000/-, besides mobile phones and a laptop, were allegedly recovered from their possession. It is further alleged that, during interrogation, it was found that the Child in Conflict with Law had studied upto 12th Standard and in the year 2024, was working in village Raha of District Banaskatha in a mobile shop and came into contact with accused Bharatbharthi Amrutbharthi Goswami and Girishbhai

Sagathabhai Khatana who were engaged in the illegal business of liquor. The Child in Conflict with Law also came into contact with absconding accused Ashok Bisnoi who was involved in the business of MD drugs and the absconding accused Ashok Bisnoi asked the Child in Conflict with Law make contact with some person who would carry contraband and would be paid Rs.1,00,000/- for the work and the Child in Conflict with Law would be paid Rs.50,000/- as commission. The Child in Conflict with Law thereafter informed accused Bharatbharthi Amrutbharthi Goswami and in February, 2025 Ashok Bisnoi handed over the contraband of MD drugs to the Child in Conflict with Law who in turn handed the contraband to Bharatbharthi Amrutbharthi Goswami. Accused Bharatbharthi Amrutbharthi Goswami and Sharifkhan Hajikhan Nayak were caught with Mephedrone drugs 268.600 grams of Mephedrone drugs in four packets at Sachor RTO near 'Mattu' Hotel. The Child in Conflict with Law and Ashok Bisnoi were shown to be absconding in the FIR which was registered at DCB Police Station Surat No. 11210015250041 under Section 8(C), 22(C) and 29 of the NDPS Act on 24.02.2025 at 23:55 hours.

3.2. The Child in Conflict with Law was subsequently apprehended on 11.04.2026 and the investigation in the matter has been fully completed by the DCB Police, Surat, and the charge-sheet has already been filed against the Child in Conflict with Law before the Juvenile Justice Board, Surat, which has been registered as Juvenile Case No.245 of 2026.

3.3. The applicant, being the natural guardian of the Child in Conflict with Law, preferred a Regular Bail Application under Section 12 of the J.J.Act, before the learned Juvenile Justice Board, Surat, being Criminal Bail Application No.9903 of 2026. The learned Juvenile Justice Board, vide order dated 02.07.2026, rejected the said bail application, primarily on the ground of the gravity of the alleged offence and the commercial quantity of the contraband involved and in para – 5 of the order observed as under:

> "**5.** Considering the facts of the present case at hand, it appears that the alleged offences include offences that are serious in nature and non-bailable offences and the prescribed punishment is also on a heavier side. Further, it is pertinent to mention that the regular bail application of the juvenile had been previously rejected by my Ld. Predecessor Judge on 11.05.2026 and thereafter, the present bail application is filed after chargesheet again. Further, as per the prosecution version "Mephedrone" M.D.Drugs weighing 268.600

> grams (commercial quantity) worth Rs.26,86,000/- has been recovered from the juvenile's possession. Further, if the Child in Conflict with Law is released; he may re-indulge in other such offences and would re-establish contact with other adult criminals either to complete unfinished transactions; tamper evidence, to continue the trade. Further, the present case falls under the exceptions to Section 12 of the Juvenile Justice Act and releasing the Juvenile would directly interfere with the judicial process.''

4. Being aggrieved by the same, the applicant filed Criminal Juvenile Appeal No. 1045 of 2026 before the Special Judge (Children Court), Surat and by an order dated 14.07.2026, the learned Special Judge (Children Court), Surat was pleased to reject the appeal and confirm the order passed by the learned Juvenile Justice Board on 02.07.2026.

5. Being aggrieved by the said order 14.07.2026 passed in Criminal Juvenile Appeal No. 1045 of 2026 by the learned Special Judge (Children Court), Surat, the present revision application has been filed by the applicant.

6. Heard learned Senior Advocate Mr.Asim Pandya assisted by Mr. Jaimin A. Mehta for the applicant and learned APP Ms.C.M.Shah for the respondent – State.

7. Learned Senior Advocate Mr. Asim Pandya, assisted

by Mr. Jaimin A. Mehta, for the applicant submits that there is no substantive material on record to show the involvement of the Child in Conflict with Law in the alleged offence. It is submitted that no Mephedrone or any other contraband has been recovered from his person or premises and that there is no independent material connecting him with the alleged contraband. Learned Senior Advocate further submits that the case against the Child in Conflict with Law is mainly based upon the statements of the co-accused recorded before the police, which, by themselves, cannot constitute substantive incriminating evidence against him. It is further submitted that there is no call detail record, financial transaction or any other documentary or electronic material connecting the Child in Conflict with Law with the alleged transaction. Learned Senior Advocate submits that the Child in Conflict with Law is pursuing his B.A. degree and that his continued detention is adversely affecting his education and future prospects. It is submitted that the object of the J.J. Act is reformative and rehabilitative and that a child ought not to be kept in detention merely on account of the seriousness of the alleged offence, particularly when the

conditions for grant of bail are otherwise satisfied. Learned Senior Advocate further submits that Section 12 of the J.J. Act provides for release of a Child in Conflict with Law on bail unless the circumstances mentioned in the proviso to Section 12(1) are made out. It is submitted that none of the said circumstances exists in the present case and that there is no material to show that, if released, the Child in Conflict with Law would come into association with any known criminal, be exposed to moral, physical or psychological danger or that his release would defeat the ends of justice. It is, therefore, submitted that the seriousness of the alleged offence, by itself, cannot be a ground to deny the benefit of Section 12 of the J.J. Act. Learned Senior Advocate further submits that the Investigating Officer has stated that the Child in Conflict with law is involved in two other offences, but has been released on bail by the High Court of Judicature for Rajasthan at Jodhpur in Criminal Miscellaneous Bail application No. 8488 of 2026 by an order dated 25.06.2026 for the offence registered at Falna Police Station, District Pali, Rajasthan at FIR No. 21 of 2026 and has not been arrested for the offence registered at Tharda Police Station

till date. Learned Senior Advocate lastly submits that the father and natural guardian of the Child in Conflict with Law is ready and willing to take responsibility for his supervision, education and conduct and to comply with any condition that may be imposed by this Court and therefore, urges that the present revision application may be allowed and the Child in Conflict with Law may be released on bail.

8. On the other hand, learned APP Ms.C.M.Shah appearing for the respondent – State vehemently submits to dismiss the present application on the ground that the investigation papers prima-facie disclose the involvement of the Child in Conflict with Law in the alleged offence. It is submitted that the investigation indicates that the contraband recovered from accused Nos.1 and 2 was obtained from the accused No.3 and the Child in Conflict with Law. Learned APP further submits that 268.600 grams of Mephedrone was recovered from accused Nos.1 and 2 and the Child in Conflict with Law was constantly in touch with the accused on the telephone and CDRs to that effect are on record. Moreover the Child in Conflict with Law is also involved in the offence registered with Tharad Police Station Part

A C R No. 11195050250238 of 2025 for the offence under Section 109(1), 189(2), 189(4) 191(3) 118(1), 61(2) and 351(3) of the BNSS and an offence registered with Falna Police Station District, Pali Rajasthan at FIR No. 0021/2026 under Sections 309(6) and 140(3) of the BNSS. The learned Juvenile Justice Board had initiated the procedure under Section 14 and 15 of the J.J.Act and concluded that there is a need for trial of the Child in Conflict with Law as an adult and an order was passed on 07.09.2026 to transfer of the trial of the case to the Children's Court. It is, therefore, submitted that, considering the nature of the allegations and the material available on record, and the gravity of offence, no case is made out to entertain the present application and looking to the facts as well as the allegations made against the Child in Conflict with Law, no discretion would be required to be exercised.

9. Having heard the learned Senior Advocate Mr. Asim Pandya appearing for the applicant and the learned APP Ms.C.M.Shah appearing for the respondent–State and having perused the record of the case, this Court finds that the case against the Child in Conflict with Law, at this stage, rests primarily upon the material collected during the course of

investigation, including the statements of the co-accused. It is not in dispute that no Mephedrone or any other contraband has been recovered from the person or physical possession of the Child in Conflict with Law. Further, no independent documentary or electronic material such as financial transactions, has been pointed out by the prosecution so as to prima facie establish a direct nexus of the Child in Conflict with Law with the contraband recovered from accused Nos.1 and 2.

10. This Court has also taken into consideration the fact that the contraband allegedly recovered from accused Nos.1 and 2 is 268.600 grams of Mephedrone. However, while considering an application for bail preferred by a Child in Conflict with Law, the Court is required to keep in view the specific statutory scheme governing release of a child on bail under Section 12 of the J.J.Act.

11. Section 12(1) of the J.J.Act reads as under:

> **"Section** 12(1) When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail

> with or without surety [or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person] [Inserted by Act 33 of 2006, Section 10 (w.e.f. 22.8.2006).] but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice."

12. Thus, the statutory scheme under Section 12 of the J.J.Act is materially different from the general provisions governing bail. While considering the prayer for bail of a Child in Conflict with Law, the Court is required to examine whether any of the circumstances specifically contemplated under the proviso to Section 12(1) of the J.J.Act are made out.

13. It is pertinent to note that the learned Juvenile Justice Board and learned Special Judge (Children Court) have mainly relied upon the chargesheet papers and the affidavit of the Investigating Officer and as the offence is a grievous one have come to a conclusion that the application needs to be rejected and the Child in Conflict with Law is not required to be released on bail. The report of the District Child Protection Officer, Pali, Rajasthan has not been called for by the learned Juvenile Justice

Board or learned Special Judge (Children Court) Surat and the application has been rejected. This Court has perused the reasons assigned by the learned Juvenile Justice Board and the learned Additional Sessions Judge, Surat and has also considered the report of the District Child Protection Officer, Pali, Rajasthan produced on record by the learned APP along with the report of N.T.Deshani, Police Sub Inspector, DCB Police Station, Surat.

13.1 The learned Juvenile Justice Board has mainly rejected the application on the ground that offences that are serious in nature and non-bailable offences and the prescribed punishment is also on a heavier side. In the order the learned Juvenile Justice Board has observed that the earlier regular bail application of the juvenile had been previously rejected and thereafter, the present bail application is filed after chargesheet has been filed before the Juvenile Justice Board. Moreover, in the order, it is also stated that as per the prosecution version ''Mephedrone'' M.D.Drugs weighing 268.600 grams (commercial quantity) worth Rs.26,86,000/- has been recovered from the juvenile's possession and if the Child in Conflict with

Law is released; he may re-indulge in other such offences and would re-establish contact with other adult criminals either to complete unfinished transactions; tamper evidence, to continue the trade. Based on the above reasoning, the learned Juvenile Justice Board concluded that the present case falls under the exceptions to Section 12 of the J.J.Act and releasing the Juvenile would directly interfere with the judicial process and hence, rejected the application for bail of the Child in Conflict with Law.

13.2 The learned Special Judge (Children Court), Surat has considered the same aspects and has confirmed the order passed by the Juvenile Justice Board. However, the FIR and the charge sheet papers state that no contraband was found from the possession of the Child in Conflict with Law and the findings of the learned Juvenile Justice Board and the learned Special Judge (Children Court) are contrary to the evidence in the charge sheet papers.

14. The report of District Child Protection Officer, Pali, Rajasthan has been produced on record and as per the report the Child in Conflict with Law is repentant and is regularly undergoing counseling as well as the parents have made the

Child in Conflict with Law understand the consequences of such criminal acts and undertake to provide a proper environment for the Child in Conflict with Law and ensure that he takes due interest in his studies.

15. In the present case, the material on record does not indicate any specific circumstance to demonstrate that, if released on bail and placed under the care of his parent/guardian, and prevented from associating with any notorious group, the Child in Conflict with Law is likely to come into association with any known criminal. There is also no specific material brought on record to demonstrate that release of the Child in Conflict with Law would expose him to moral, physical or psychological danger. So far as the third circumstance contemplated under the proviso to Section 12(1) of the J.J.Act is concerned, no specific material is pointed out before this Court to demonstrate that release of the Child in Conflict with Law on appropriate conditions, including an undertaking/bond by the parent/guardian, would defeat the ends of justice.

16. The role attributed to the Child in Conflict with Law in the offence is also required to be considered. As stated before this Court, the specific role attributed to the Child in Conflict with Law is that he has taken the contraband and gave to the other accused but no contraband was found from the physical possession of the Child in Conflict with Law. At this stage, this Court is not required to undertake a detailed appreciation of the evidence or record any finding on the merits of the case. However, the nature of the role attributed to the Child in Conflict with Law is certainly a relevant circumstance while considering his prayer for bail under the special statutory scheme of the J.J.Act. Another relevant circumstance is that the investigation is over and charge-sheet has been filed. The submission that no further recovery or discovery is required from the Child in Conflict with Law has also not been controverted by the learned APP.

17. The Child in Conflict with Law was aged about 17 years and 07 months at the relevant time. The statutory scheme of the J.J.Act requires the Courts to adopt a child-friendly approach having regard to the care, protection, rehabilitation

and social reintegration of the child. Considering the aforesaid facts and circumstances of the case, more particularly, the age of the Child in Conflict with Law, the role attributed to him, completion of investigation and filing of charge-sheet and, above all, the absence of any specific material attracting the exceptions contained in the proviso to Section 12(1) of the J.J.Act, this Court is of the view that the Child in Conflict with Law deserves to be released on bail.

18. In the facts and circumstances of the present case, this Court does not find any material at this stage to indicate that, if released on bail, the Child in Conflict with Law is likely to come into association with any known criminal or is likely to be exposed to moral, physical or psychological danger, or that his release is likely to defeat the ends of justice. On the contrary, the father and natural guardian of the Child in Conflict with Law has expressed his willingness to take responsibility for his supervision, education and conduct and to abide by the conditions that may be imposed by this Court.

19. The Court has also taken into consideration the fact that the Child in Conflict with Law is pursuing his first B.A.

degree and that his continued detention may adversely affect his education and overall development. The object of the J.J. Act is founded upon the principles of care, protection, rehabilitation and social reintegration of children. Therefore, keeping in view the aforesaid statutory mandate and the material presently available on record, this Court is of the considered view that the Child in Conflict with Law deserves to be extended the benefit of Section 12 of the J.J. Act.

20. At this stage, it would also be apposite to refer to Rule 11(6) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, which provides for an undertaking/bond to be executed by the parent, guardian or fit person in whose care a Child in Conflict with Law is placed.

20.1. Form 8 appended to the aforesaid Model Rules is specifically prescribed as "UNDERTAKING/BOND TO BE EXECUTED BY A PARENT/GUARDIAN/FIT PERSON IN WHOSE CARE A CHILD IN CONFLICT WITH LAW IS PLACED". The said Form provides, inter alia, that the person in whose care the child is placed shall be responsible for the good behaviour and well-being of the child and shall abide by the conditions

incorporated therein, including not changing the place of residence without prior intimation to the Juvenile Justice Board, not removing the child from the jurisdiction of the Board without its permission, ensuring that the child attends school or such vocation as may be approved by the Board, giving effect to the Individual Care Plan, producing the child before the Board as and when directed and rendering necessary assistance to the Probation Officer.

20.2. The aforesaid requirement of undertaking/bond is consistent with the statutory object of the J.J.Act, namely, care, protection, development, treatment, social reintegration and rehabilitation of children in conflict with law. The requirement is intended to ensure that where the Child in Conflict with Law is released and placed in the care of the parent, guardian or fit person, such person undertakes responsibility for the good behaviour and well-being of the Child in Conflict with Law and assists in his proper care, education, supervision and rehabilitation.

21. Hence, the present Criminal Revision Application is allowed. The judgment and order dated 14.07.2026 passed by

the learned Special Judge (Children Court), Surat in Criminal Appeal No.1045 of 2026 and the and order dated 02.07.2026 passed by the learned Principal Magistrate, Juvenile Justice Board, Surat in Cr.M.A. No.9903 of 2026 are hereby quashed and set aside.

22. The Child in Conflict with Law shall be released on bail in connection with C.R.No.11210015250041 of 2025 registered with DCB Police Station, Surat City on the applicant executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount before the learned Juvenile Justice Board, Surat, subject to the satisfaction of the learned Board and the following conditions:

(i) Both the parents of the Child in Conflict with Law shall execute an undertaking/bond before the learned Juvenile Justice Board, Surat, in the prescribed Form 8, undertaking responsibility for the good behaviour and well-being of the Child in Conflict with Law and agreeing to abide by the conditions incorporated therein;

(ii) The Child in Conflict with Law shall remain under the care and supervision of his parents;

(iii) The parents shall ensure that the Child in Conflict with Law regularly attends his educational activities;

(iv) The parents shall cooperate with the Probation Officer and shall render all necessary assistance for the supervision, care, education and rehabilitation of the Child in Conflict with Law;

(v) The Child in Conflict with Law or his parents, family members or friends shall not directly or indirectly attempt to influence the complainant or any of the witnesses connected with the proceedings;

(vi) The Child in Conflict with Law shall not indulge in any activity which may bring him into conflict with law;

(vii) The applicant shall furnish the residential address of the Child in Conflict with Law to the learned Juvenile Justice Board and shall intimate any change in the residential address;

(viii) The Child in Conflict with Law shall remain present before the learned Special Judge (Children Court), Surat as and when directed;

(ix) The Child in Conflict with Law shall not leave the jurisdiction without prior permission of the learned Special Judge (Children Court), Surat till the inquiry is concluded.

23. The undertaking/bond to be executed by the parent/ guardian shall contain the conditions prescribed in Form 8 under Rule 11(6) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, as may be applicable. The learned Juvenile Justice Board shall be at liberty to incorporate additional conditions and shall be at liberty to modify, add or delete any of the aforesaid conditions, if considered necessary, keeping in view the best interest, care, protection and rehabilitation of the Child in Conflict with Law.

24. The Child in Conflict with Law shall be relesed forthwith, if his custody is not required in connection with any other case or proceeding.

25. It is clarified that this Court has not expressed any opinion on the merits of the case and the observations made herein-above are confined only to the consideration of the prayer for bail.

26. Rule is made absolute to the aforesaid extent. Direct service is permitted.

27. Registry shall communicate this order to the learned Juvenile Justice Board, Surat, forthwith by the appropriate mode.

(S. V. PINTO,J)

F.S. KAZI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAZI FARUKHUSEN(HC01075), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 23/10/2026 18:22:27