

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.251 of 2026

Arising Out of PS. Case No.-1 Year-2024 Thana- D.R.I District- Patna

XX (CICL) Son of Ramdev Roy Resident of village and Post-Kala Diara, P.S-
Salimpur, District- Patna.

... .. Petitioner/s

Versus

1. D.R.I. Patna Through its intelligence officer, Union of India Bihar
2. The State of Bihar

... .. Respondent/s

with

CRIMINAL REVISION No. 1211 of 2025

Arising Out of PS. Case No.-1 Year-2024 Thana- D.R.I District- Patna

X1 S/O Late Vakeel Rai Under the guardianship of his mother namely
Dharmsheela Devi, R/O Village and Post- Kala Diara, P.S- Salimpur, Distt.-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Anup kr. Gupta, Intelligence Officer, DRI, Regional
Unit, Patna Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL REVISION No. 251 of 2026)

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate
Ms.Usha Kumari Singh, Advocate

For the State : AC to ASG

For the UOI/DRI : Mr. Amit Pandey, Sr. SC, DRI

(In CRIMINAL REVISION No. 1211 of 2025)

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the State : Mr.Lalan Kumar,Spl.PP

For the UOI/DRI : Mr. Sanchay Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-09-2026

Heard the learned senior counsel for the petitioner XX
in Cr. Rev. No. 251 of 2026 and learned counsel appearing on



behalf of the petitioner X1 in Cr. Rev. No. 1211 of 2025 and the learned SplPP for the State as well as the learned counsels for the UOI/DRI.

In both the criminal revision petitions, relief sought for is common and both the petitions arise out of DRI, Patna Unit Case No. 01 of 2024-2025, as such, they have been taken up together and are being disposed of by this common judgment.

02. The criminal revision application bearing Cr. Revision No. 251 of 2026 has been preferred by the petitioner XX (name changed) for setting aside the judgment/order dated 17.02.2026 passed by the learned District & Addl. Sessions Judge-Ist-cum-Special Judge, Juvenile Court, Patna in Criminal Appeal No. 150 of 2025 whereby and whereunder the order dated 19.08.2025 passed by learned Juvenile Justice Board, Patna in JJB Case No. 555/2025, in Special (NDPS) No. 191 of 2024 arising out of DRI Patna Unit Case No. 01 of 2024-25 registered for the offences under Section 8(c)/20(b)(ii)(c)/25/29 of the NDPS Act refusing prayer for bail of the petitioner XX, has been affirmed and the appeal preferred by the petitioner has been dismissed.

Also the criminal revision application bearing Cr.



Revision No. 1211 of 2025 has been preferred by the petitioner X1(name changed) for setting aside the judgment/order dated 17.09.2025 passed by the learned District & Addl. Sessions Judge-Ist-cum-Special Judge, Juvenile Court, Patna in Criminal Appeal No. 91 of 2025 whereby and whereunder the order dated 19.06.2025 passed by learned Juvenile Justice Board, Patna in JJB Case No. 301/2025, arising out of Special (NDPS) No. 101 of 2024 in connection with DRI Patna Unit Case No. 01 of 2024-25 registered for the offences under Section 8(c)/20(b)(ii) (c)/25/29 of the NDPS Act refusing prayer for bail of the petitioner X1, has been affirmed and the appeal preferred by the petitioner has been dismissed.

03. Briefly stated, the facts of the case, as it appears from the record are that on the basis of secret information regarding transporation of Ganja from Guwahati(Assam) to Didarganj (Bihar)the officers of DRI, Patna intercepted a Mahindra TUV Vehicle occupied by the petitioners who were apprehended and 65.940 kg of ganja (gross weight) and 63.760 kg of ganja (net weight) like substance was recovered in 109 plastic packets from a secret cavity built in the chasis and in between chasis and footsteps of the said vehicle. This led to the institution of DRI Patna Unit Case No. 01 of 2024-25 registered



for the offences under Section 8(c)/20(b)(ii)(c)/25/29 of the NDPS Act.

04. The petitioners were taken into custody on 08.04.2024. The case record was sent to JJB, Patna for inquiry and the age of petitioner XX was assessed to be 15 years 09 months 24 months and was declared to be CICL vide order dated 30.06.2025 by the JJB, Patna.

The age of petitioner X1 was assessed to be 16 years on the date of occurrence and was declared to be CICL vide order dated 15.05.2025 by the JJB, Patna.

05. The petitioner XX filed an application for grant of bail before the Juvenile Justice Board, Patna but the Board rejected his application for bail vide order dated 19.08.2025 passed in in JJB Case No. 555/2025.

The petitioner X1 also filed an application for grant of bail before the Juvenile Justice Board, Patna but the Board rejected his application for bail vide order dated 19.06.2025 passed in JJB Case No. 301/2025.

06. Feeling aggrieved by the orders passed by the Juvenile Justice Board, the petitioners XX and X1 preferred Criminal Appeal No. 150 of 2025 and Criminal Appeal No. 91 of 2025 in the court of learned District & Addl. Sessions Judge-



Ist-cum-Special Judge, Juvenile Court, Patna. However, the appeals were also rejected by the learned appellate court vide orders dated 17.02.2026 and 17.09.2025, respectively upholding the orders dated 19.08.2025 and 19.06.2025, respectively passed by the learned Juvenile Justice Board, Patna.

07. Being aggrieved by the two concurrent orders of the learned subordinate courts, the petitioners have moved before this Court in the instant revision petitions.

08. Learned senior counsel appearing on behalf of the petitioner XX submits that the impugned orders are bad in law as well as on facts. The learned appellate court as well as learned Juvenile Justice Board passed the orders without considering the merits of the case. Learned senior counsel further submits that the petitioner has been falsely implicated in this case due to dirty local politics and nothing incriminating has been recovered from the conscious possession of the petitioner rather it has been recovered from the alleged vehicle and the petitioner has no concern with the alleged vehicle or the recovered contraband. The petitioner is not owner of the alleged vehicle. Learned senior counsel further submits that both the courts below overlooked the provisions of law as laid down under Section 12 of the Juvenile Justice (Care and Protection of



Children) Act (in short 'JJ Act') and rejected the prayer for bail of the petitioner merely on conjectures. The learned subordinate courts, without any supporting materials, came to a finding that releasing the CICL would bring the petitioner into contact with known criminals and the learned appellate court held that the report of the probation officer shows the petitioner would fall in company of anti-social elements and learned subordinate courts also held that releasing the CICL on bail might expose them to moral, physical, or psychological danger and would defeat the ends of justice but there is no material to support such finding. The bail of the petitioner/CICL could not be denied merely on surmise and conjectures. Under section 12 of the JJ Act, bail is a matter of right of CICL except for conditions in the provision but none of the conditions is made out to deny bail to the petitioner who is in custody since 08.04.2024. Learned senior counsel further submits that the petitioner has no criminal antecedent.

The learned counsel appearing on behalf of the petitioner X1 in Cr. Revision No. 1211 of 2025 adopts the submissions made by the learned Senior Counsel.

09. Learned counsel for the DRI and learned SplPP for the State vehemently oppose the submission made on behalf



of the petitioners. Learned counsel for the UOI/DRI submits that there is no infirmity in the order of the learned appellate court as well as the order passed by the learned JJ Board. Learned counsel further submits that petitioners have been apprehended with commercial quantity of ganja and they have been apprehended for committing offences under NDPS Act in presence of two independent witnesses. Learned counsel also submits that if the petitioners are enlarged on bail, there is possibility that they may again fall in bad company and there might be moral, physical and psychological danger to the petitioners or that it might result in frustrating the ends of justice.

10. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

11. Section 12 of the JJ Act, 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.

12. 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 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 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 Act provides for Principle of repatriation and restoration providing that a CICL shall have the right to re-unite with his family and to be restored to the social, cultural and the economic background that he came from unless such restoration and repatriation is not in the CICL's best interest.

13. 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 known criminals 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.

14. Coming back to the facts of the present case, the petitioners have been apprehended with commercial quantity of ganja but the seriousness of allegation or gravity of offence could not be of any consideration for refusal of bail to the petitioner. When DRI Patna Unit Case No. 01/2024-25 was instituted, the age of petitioner XX was found to be 25 years whereas the age of petitioner X1 was found to be 21 years. But after inquiry, the petitioners were declared to be CICL by the JJ Board. However, there is no cogent material on record substantiating that the petitioners would fall in company of anti-social elements or that releasing the CICL on bail might expose them to moral, physical, or psychological danger and would defeat the ends of justice. Moreover, the purpose of the Act of 2015 is the reformation of the child and the institutionalization of a CICL is a matter of last resort and it has long been held that institutionalization of a CICL is never in his best interest as it has been felt that keeping a child in home environment



expedites his reformation and joining the main stream. Moreover, it is the duty of the Courts to ensure the protection of the best interest of the CICL. Therefore, taking a holistic view of the matter, I am of the considered opinion that the learned subordinate courts committed error while passing their respective orders. Therefore, the orders impugned cannot be sustained.

15. Accordingly, the orders dated 17.02.2026 and 17.09.2025 passed in Criminal Appeal No. 150 of 2025 and Criminal Appeal No. 91 of 2025, respectively by the learned appellate courts are set aside. Consequently, the order dated 19.08.2025 and 19.06.2025 passed by the learned Juvenile Justice Board, Patna in JJB Case No. 555 of 2025 and JJB Board No. 301 of 2025, arising out of DRI Patna Unit Case No. 01 of 2024-25 rejecting the prayer for bail of the petitioners are also set aside.

16. The petitioners XX and X1 are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Patna/concerned court in connection with in JJB Case No. 555 of 2025 and JJB Board No. 301 of 2025, respectively, arising



out of DRI Patna Unit Case No. 01 of 2024-25, subject to the following conditions:

i) One of the bailors will be the parents of the petitioners and 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 petitioner.

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

17. Accordingly, the revision petitions stand allowed.

18. Before parting with the order, it is pertinent to take note of some disturbing facts. At the time of their apprehension with the seized contraband, in connection with DRI Patna Unit Case No. 01/2024-2025, DRI recorded the age of petitioner XX as 25 years and that of petitioner XI as 21 years but subsequently, they were found to be juveniles. It is also surprising that the petitioners, two juveniles, drove all the way from Guwahati, Assam to Didarganj, Patna, without any identification papers or any documents like registration certificate or driving license. The claim of the State about there



being foolproof security arrangements for the safety of common people appears to be a hoax if the petitioner travelled uninterrupted all the way from Assam to Bihar carrying commercial quantity of Ganja. They could have easily carried explosives endangering the life of common people. It is also noteworthy that the petitioners have claimed that they have not studied in any school which does not appear to be believable in the present days. Therefore, the matter needs to be properly investigated.

19. Accordingly, the SSP, Patna, is directed to look into the matter and conduct a proper enquiry in this regard especially with regard to whether the petitioners are juveniles as claimed and whether they have not received any education, nor went to any school, nor availed any benefits from the State Government where there might have been requirement of providing document of age. The security lapses also need to be looked into. The enquiry must be conducted within three months from the date of receipt of the order and placed before this Court.

20. Upon enquiry, if it is found that the petitioners had concealed material facts relating to their age or had indulged in any fraudulent practice, the State and the UoI/DRI shall be at



liberty to approach the learned JJB, Patna/ concerned Court, for cancellation of the bail bonds furnished by the petitioners, as well as for review of the respective orders passed by the learned JJB, Patna, whereby the petitioners have been declared to be Children in Conflict with Law (CICL),

21. Office is directed to return the lower court records.

22. Let a copy of this order be sent to all the concerned for compliance.

(Arun Kumar Jha, J)

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AFR/NAFR	AFR
CAV DATE	-
Uploading Date	18.09.2026
Transmission Date	18.09.2026

