

**IN THE COURT OF
SPECIAL JUDGE OF CHILDREN
-cum-
DISTRICT AND ADDITIONAL SESSIONS JUDGE-I
MUNGER, BIHAR**

Criminal Appeal 08 of 2026

Basudeopur P.S. Case No. 121 of 2025

Order Dated: 11.05.2026

(This Criminal Appeal arises against the order dated 24.03.2026 passed by
Principal Magistrate of Juvenile Justice
Board, Munger in J.J.B. No. 220 of 2025 (Basudeopur P.S. No. 121 of
2025))

In reference:-

Aman Kumar (hereinafter referred as CICL) aged about 16 years
(approx) s/o Late Anil Sahni, R/o Khawa, Police Station-Medni Chowki,
Lakhisarai, Bihar.

..... **Appellant**

Versus

State of Bihar

..... **Respondent**

**Present:- Amit Ranjan Upadhyay
District & Addl. Sessions Judge-I
-cum- Special Judge of Children Court,
Munger**

Order Date: 11.05.2026

Learned Counsel for the Appellant: Sri Bijay Prakash Jha

**Learned Counsel for the Respondent: Ms. Gauri Kumari,
Special P.P.**

JUDGEMENT

1. This Criminal Appeal arises against the order dated 24.03.2026 passed by Principal Magistrate of Juvenile Justice Board, Munger in J.J.B. No. 220 of 2025 (Basudeopur P.S. No. 121 of 2025) punishable under Sections 18(a), 21(b) & 29 of NDPS Act whereby and whereunder the Ld. Juvenile Justice Board, Munger rejected the prayer of bail of the appellant CICL who is protective custody since 15.10.2025.
2. Being aggrieved and dissatisfied with the above order appellant came before this Court challenging the legality and propriety of the impugned

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order.

3. Learned Counsel for the Appellant submits that the order passed by Ld. Principal Magistrate of JJB is bad in law and unjustified on facts. The reasons assigned by the Ld. JJB for rejecting the bail application of the appellant is not proper and sound. Learned lower Court has failed to consider that the Appellant has no criminal antecedent and the Appellant is in protective custody since 15.10.2025. Learned lower Court misread the provision of bail u/s Juvenile Justice Board and the also failed to consider that the Appellant neither arrested on the spot nor incriminating has been recovered from the possession of the Appellant. He further submits that the learned lower Court has failed to consider that there is no any report against the Appellant regarding mischief with known criminal and unknown criminal and also failed to consider that the FIR lodged by the Informant is false because in the FIR and there is no specific allegation against the Appellant and there is not any witnesses who have seen the occurrence. Learned lower Court failed to consider that there is mandatory provision under Juvenile Justice Act, if the delinquent declare Juvenile he shall release on bail. Ld. Counsel for the Appellant has lastly submitted that on these grounds impugned order may kindly be set-aside and allowed this appeal and appellant may kindly be released on bail.
4. Learned Counsel for the Respondent (Special Public Prosecutor on behalf of State) submits that the order dated 24.03.2026 passed by Principal Magistrate of Juvenile Justice Board, Munger in J.J.B. No. 220 of 2025 (Basudeopur P.S. No. 121 of 2025) under Sections 18(a), 21(b) & 29 of NDPS Act is valid and proper and there is no illegality in this order and he vehemently opposed this bail application of the Appellant as there is no illegality in this order and needs no interference. Hence, this appeal may kindly be rejected.
5. As per the written statement of the Informant, the case of the prosecution is that the Informant namely, Sub-Inspector Laxman Kumar Varman of Vasudevpur Police Station that secret information was received that Shiva Sahni, son of Late Chandra Sahni, and his nephew Aman Kumar (CICL)

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were packing and selling smack (brown sugar) in the Community Building at Sahni Tola, Chandika Sthan. The information was immediately given to senior officers, and a written request was sent to the Sub-Divisional Magistrate, Sadar. A raiding party consisting of Sub-Inspector Rajesh Paswan, Constables Uday Kumar and Annapurna Kumari, along with a search kit and digital weighing machine, left the police station at 8:30 P.M. and, along with Revenue Officer Prabhat Kumar, reached the said place at about 8:45 P.M. On seeing the police party, one person fled away and could not be apprehended due to the crowded locality. Another person, Aman Kumar, aged about 17 years, son of Anil Sahni, resident of Khawa, District Lakhisarai, was apprehended. Aman Kumar disclosed that the person who escaped was his maternal uncle Shiva Sahni and stated that both had come there for packing and selling smack. Nearby persons were asked to act as independent witnesses, but none agreed due to fear. Aman Kumar was informed of his rights under Section 50 of the NDPS Act and consented to be searched in the presence of Revenue Officer Prabhat Kumar. During the search, one yellow plastic packet containing a substance resembling smack was recovered from the right pocket of his black trousers. Aman Kumar stated that the substance was smack. On weighing, the packet along with its contents was found to weigh 6.5 grams. The recovered article was seized and sealed at the spot, and a seizure list was prepared and a copy was provided to Aman Kumar. He was detained after the reason for detention was explained. Thereafter, the raiding party returned to the police station with the seized article and the detained boy. Since possession and sale of smack is a cognizable offence under the NDPS Act, a request was made for registration of a case and legal action against (1) Aman Kumar, son of Anil Sahni, resident of Khawa, Police Station Medni Chowki, District Lakhisarai, and (2) Shiva Sahni, son of Late Chandra Sahni, resident of Sahni Tola, Chandika Sthan, Police Station Vasudevpur, District Munger.

6. Heard both sides and perused the case records.
7. From perusal of the case records, it is clear that the Appellant was

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declared juvenile on 02.02.2026 and he is in protective custody 15.10.2025. The Juvenile Justice Board, Munger has also assessed his age as 16 years, 08 months and 29 days. Earlier a bail application of the Petitioner was rejected by the Juvenile Justice Board, Munger on the ground mentioned in proviso of Section 12 of Juvenile Justice Act which says that the CICL shall not be released if there appears reasonable ground for believing that the release of this CICL shall go to the same home bringing him into the association of bad company as he is already involved in such activities. The concerned Investigating Officer has submitted charge-sheet against the Appellant/CICL and other and this case of the Appellant is pending before Juvenile Justice Board, Munger. From the perusal of the case records, it is clear that the said CICL is arrest in packing and selling smack (brown sugar) and Social Investigating Report which came later in time indicates that the CICL may not be sent in the protection of his parents. A report from Superintendent of protective home, Munger in which he has certified that the present behaviour of CICL is good and pursuing his studies in protective home. The CICL in protective custody since 15.10.2025 and further custody shall further meet no purpose except obstacle in his education as well as proper development which can only be possible with his association with family members and society.

ORDER

8. Therefore, considering aforesaid facts and circumstances of the case as discussed above, report of superintendent of protective home, Munger regarding his present activity, conduct and behaviour in protective home and keeping in mind his future and study, I am of the view that the Appellant (CICL) deserves the privilege of bail with conditions.
9. **So, the order dated 24.03.2026 of Juvenile Justice Board, Munger is hereby set aside and the Appellant (CICL) namely Aman Kumar is hereby released on bail with conditions on furnishing bail bonds of**

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Rs.10,000x2/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned with condition that;

1. One bailor shall be mother and other close relative of the Appellant/CICL.
2. Mother will file fresh affidavit regarding his good behaviour and continuing of his study as well as keeping him away from anti-social activities/elements.
3. The CICL also undertakes to keep his behaviour good and not associated with anti social elements and continue his studies or do professional training and also do proper pairvi in this case.

10. Accordingly, the Criminal Appeal of the Appellant is hereby Allowed with condition for the ends of justice and for well future of CICL. Office is directed to send this order along with trial court record to JJB, Munger atonce.

Dictated and Corrected by me,

Sd/-

**District & Addl. Sessions Judge-I
-cum- Special Judge of Children Court
Munger**

Dated: 11.05.2026

Sd/-

**(Amit Ranjan Upadhyay)
District & Addl. Sessions Judge-I
Munger**

Dated: 11.05.2026

Date of Order/Judgement	11.05.2026
Uploading Date	12.05.2026
Uploaded By	Neeraj Kumar Pandey (Steno)