

**IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.**

Present: **Thiru.A.Kanthakumar, M.L.,**
Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.

Dated this the 09th day of June 2026, Tuesday .

Cr.M.P. No.1598/2026

Priyatharshan @ Siva

... Petitioner/Accused.

/ Vs /

State through the Inspector of Police,

Virudhunagar West P.S.

Cr.No.146/2026

U/s.8(c) r.w. 20(b)(ii)(A) of NDPS Act r.w.

Section 77 of Juvenile Justice Act.

... Respondent/ Complainant.

This petition coming on this day before me for hearing in the presence of Thiru.K.Jeyaram, Advocate for the petitioner and Thiru.S.Thirumalaiappan, Public Prosecutor for the respondent and upon hearing the argument of both sides, this court made the following

ORDER

It is an application for bail u/s.483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)

FIR was registered against the petitioner/accused for the offences u/s.8(c) r.w. 20(b)(ii)(A) of NDPS Act r.w. Section 77 of Juvenile Justice Act. The occurrence happened on 26-05-2026 and the petitioner is under custody for the past 14 days from 26-05-2026 onwards.

As per FIR, on 26-05-2026 at about 10-00 hours on information, a police party led by S.I. of Police of respondent PS were on picketing duty at Virudhunagar West area, back side of Government School. When the respondent police enquired the petitioner who is standing there, he was replied irrelevant manner and when searching him, it is found that the petitioner was found in possession 200 grams of ganja meant to be sold to the public and students.

According to the learned counsel for the petitioner, the petitioner is innocent and he has not committed any such offence and prays to enlarge the petitioner on bail. On the other hand, the learned Public Prosecutor contended that if the petitioner is released on bail he would commit similar types of offences again hence he objected to grant bail to the petitioner.

Heard both sides. Records perused.

The learned Public Prosecutor strongly opposed the bail application. On a perusal of the records, it is seen that the petitioner has been implicated for the offences punishable under Section 8(c) read with Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The prosecution case is that the petitioner was found in possession of a small quantity of ganja allegedly intended for

sale to children and adults. The respondent police apprehended the petitioner, seized the contraband and remanded him to judicial custody.

The learned counsel for the petitioner submitted that the offence under the NDPS Act involves only a small quantity of contraband and is triable by the Magistrate. It was further contended that the inclusion of Section 77 of the Juvenile Justice Act has resulted in the present bail application being filed before this Court.

The learned Public Prosecutor, however, raised a preliminary objection regarding jurisdiction. It was submitted that the offence under Section 77 of the Juvenile Justice Act is punishable with rigorous imprisonment which may extend to seven years. Section 77 of JJ Act reads as follow:-

77. Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child. - Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or pshychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.

The learned P.P pointed out that the jurisdiction raised the above said offence was committed u/s 77 of Juvenile Justice Act only decide the bail application children court only. The Juvenile Justice Act section 86 classification of offences and designated Court. The section 86 reads as follows:-

86. Classification of offences and designated Court.- (1) Where an offence under this Act is punishable with imprisonment for a term more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Children's Court.

(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.

(3) Where an offence under this Act is punishable with imprisonment for less than three years or with fine only, then, such offence shall be non-cognizable, bailable and triable by any Magistrate.

Further, 2(20) "Children's Court " means a Court established under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (32 of 2012), wherever existing and where such Courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act:

The above said offence was committed u/s 77 of Juvenile Justice Act shall be punishable with rigorous imprisonment for a term which may extend to seven years triable only childrens court only jurisdiction court. This court was ordinarily Sessions Divisions, Virudhunagar District at Srivilliputtur. Children's court means any act established by the deciding court only Pocso Special

Court. 2(20) “Children’s Court “ means a Court established under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006) or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (32 of 2012), wherever existing and where such Courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act:

The learned P.P further argued that the Pocso Special Court was constituted for Virudhunagar District at Srivilliputtur, after issuance of necessary notification.

In view of Sections 2(20) and 86 of the Juvenile Justice Act, the offence is triable only by the Children's Court. It was further submitted that, for Virudhunagar District, the Special Court constituted under the Protection of Children from Sexual Offences Act functions as the Children's Court in terms of the statutory provisions and the notifications issued in this regard.

The learned Public Prosecutor further submitted that the allegations against the petitioner are serious in nature, as the contraband was allegedly intended to be supplied to children and young persons. It was also pointed out that the chemical analysis report is still awaited, the investigation is in progress and the final report has not yet been filed.

This Court has carefully considered the rival submissions.

The materials available on record disclose allegations involving offences under the NDPS Act as well as Section 77 of the Juvenile Justice Act. The investigation is still pending and important aspects of the case, including receipt of the chemical analysis report, remain to be completed. The allegations, if proved, involve the supply of narcotic substances to children, which is a matter of serious concern.

Further, the objection regarding jurisdiction raised by the prosecution also requires consideration in view of the provisions of the Juvenile Justice Act relating to the Children's Court.

Considering the facts and circumstances of the case, the gravity of the allegations, the stage of investigation and the other attendant factors, this Court is not inclined to grant bail to the petitioner at this stage.

Accordingly, the petition is dismissed.

Pronounced by me in the Open Court on this the 09th day of June 2026.

Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.

To

The Inspector of Police, Virudhunagar West P.S