IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 25th OF NOVEMBER, 2026

CRIMINAL REVISION No. 4465 of 2026

CNR No.: MPHC020396872026

CHILD IN CONFLICT WITH LAW

Versus

STATE OF M.P.

Appearance:

Shri Khuzema Kapadia, Advocate for the petitioner.

Shri Aditya Garg, Government Advocate for the respondent/State.

ORDER

Heard.

This criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short "JJ Act") has been filed by the Child in Conflict with Law, through his natural guardian/mother. It challenges the order dated 24.09.2026 passed by the 2nd Additional Judge to the Court of 1st Additional Sessions Judge, Mandsaur in Criminal Appeal No.101/2026. That order affirmed the order dated 18.09.2026 passed by the Principal Magistrate, Juvenile Justice Board, Mandsaur, in Crime No.263/2026, registered at Police Station Suvasra, District Mandsaur, for offences under Sections 8, 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act"). By the Board's order, the application under Section 12 of the JJ Act for release of the child on bail/supurdagi was

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rejected.

2. Facts giving rise to the instant revision are that on secret information, the police reached the spot and searched. They recovered 20.600 kg of poppy straw from the joint possession of the adult co-accused and the child in conflict with law. A further 6.350 kg of Poppy Straw is alleged to have been seized from the child's possession. The child was apprehended on 07.09.2026. His application under Section 12 of the JJ Act was rejected by the Board on 18.09.2026, and his appeal under Section 101 of the JJ Act was dismissed on 24.09.2026. Hence this revision.

3. Learned counsel for the petitioner submitted that the Courts below rejected the application without properly appreciating the mandatory provisions of Section 12 of the JJ Act. There is no material to show that release would bring the child into association with any known criminal, expose him to moral, physical or psychological danger, or defeat the ends of justice. The child has no criminal antecedents. He has been in the Observation Home since 07.09.2026. The Social Investigation Report contains nothing that attracts the proviso to Section 12(1). The child belongs to a Scheduled Tribe family and lives with his parents, who are ready to take him under their control and ensure his presence before the Board. Continued detention of a child of about 17 years is contrary to the rehabilitative object of the Act. It is prayed that the impugned orders be set aside and the child be released on bail/supurdagi.

4. Learned Government Advocate for the State opposed the revision and supported the orders of the Courts below. He submitted that a substantial

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quantity of contraband was recovered, that the child acted alongwith adult co-accused, and that the Social Investigation Report indicates lack of proper parental control and association with undesirable company. There is therefore a likelihood of the child coming into contact with known criminals and repeating the offence.

5. I have heard learned counsel for the parties and perused the case diary, the Social Investigation Report, the order of the Juvenile Justice Board dated 18.09.2026 and the appellate order dated 24.09.2026.

6. It is not in dispute that the petitioner was below 18 years of age (approximately 17 years and 5 months) on the date of the alleged incident. Section 12(1) of the JJ Act provides that when a person apparently a child, alleged to have committed a bailable or non-bailable offence, is arrested or detained, he shall, notwithstanding anything in the general criminal procedure law, be released on bail with or without surety, or placed under the supervision of a probation officer or under the care of any fit person. The proviso carves out three exceptions: bail is not to be granted if there appear reasonable grounds for believing that release (i) is likely to bring the child into association with any known criminal, (ii) is likely to expose him to moral, physical or psychological danger, or (iii) would defeat the ends of justice. Where bail is refused, the Board must record the reasons and the circumstances that led to the decision.

7. Under the JJ Act, bail is the rule and refusal is the exception. Because Section 12 is a special provision for children, the gravity of the offence alone is not a ground to deny bail. The stringent conditions for bail

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in the NDPS Act, such as those in Section 37, do not displace the child-specific test under Section 12.

8. The Social Investigation Report shows that the child belongs to a Scheduled Tribe family of medium economic status living in a rural area with his parents, and that his father is engaged in agriculture. The child has discontinued formal education but is stated to understand right and wrong. His conduct in the Observation Home is reported as satisfactory. The report notes some deficiency in parental control and association with adult company. It records no previous criminal antecedents and no instance showing that he is a habitual or hardened offender. The quantity attributed to him (6.350 kg of Poppy Straw) is below the commercial quantity. The larger recovery of 20.600 kg was from the joint possession of the adult co-accused, and the child's involvement in it is a matter for trial.

9. The Board and the Appellate Court relied mainly on the seriousness of the allegations and the possibility of repetition. The nature of the offence is serious. But the JJ Act does not permit bail to be denied on that ground alone, unless one of the three circumstances in the proviso to Section 12(1) is clearly made out on the record. Prolonged detention of a child in an Observation Home is contrary to the rehabilitative object of the Act, particularly when the Social Investigation Report is not wholly adverse and the guardian is willing to take responsibility.

10. In the facts of this case, the Courts below did not properly apply Section 12 of the JJ Act. Continued detention is not in the best interest of the child. The revision is therefore **allowed**, and the impugned orders dated

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18.09.2026 (Juvenile Justice Board, Mandsaur) and 24.09.2026 (1st Additional Sessions Judge, Mandsaur, in Criminal Appeal No.101/2026) are set aside.

11. The child in conflict with law shall be released on bail and handed over to the custody of his natural guardian/mother on furnishing a personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount, to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Mandsaur, subject to the following conditions:-

(i) The guardian shall keep the child under continuous care, supervision and control and shall not allow him to associate with any known or unknown criminal.

(ii) The guardian shall ensure the child's presence on every date before the Juvenile Justice Board and shall not seek unnecessary adjournments.

(iii) The child shall not indulge in any criminal activity and shall not leave the jurisdiction of the Board without its prior permission.

(iv) The guardian shall ensure that the release does not defeat the ends of justice in any manner.

(v) The concerned Probation Officer shall periodically monitor the child's conduct and submit periodic reports to the Board.

In case of violation of any condition, the Board shall be at liberty to cancel the bail and take the child back into custody, after giving him an opportunity of being heard.

12. With the aforesaid, criminal revision stands allowed and disposed of.

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13. A copy of this order be immediately transmitted to the Principal Magistrate, Juvenile Justice Board, Mandsaur and the Superintendent of the Observation Home, Mandsaur for necessary compliance and for production of the child for the purpose of release in accordance with this order.

Certified copy, as per Rules.

(ALOK AWASTHI)
JUDGE

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