

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30094 of 2020

Arising Out of PS. Case No.-100 Year-2020 Thana- ARA NAWADA District- Bhojpur

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JAGARNATH TELI @ LALAK TELI Son of Ram Payal Teli Resident of
Village - Sahpur, P.S. Sahpur, District – Bhojpur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha,
Mr. Sarveshwar Tiwary, Advocates
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-11-2020 Heard Mr. Subodh Kumar Jha, learned counsel for

the petitioner and Mr. Nawal Kishore Prasad, Additional Public

Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with Ara
Nawada PS Case No. 100/2020/NDPS Case No. 02/2020
registered for the offence punishable under Sections 21, 22 of
the NDPS Act.

3. The allegation, as per First Information Report, is
that the police recovered total quantity of 238 Gms of Heroin
and Rs. 4 Lacs from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and the procedure, prescribed under Sections 42 and 50 of the
NDPS Act, has not been followed at the time of search and
seizure. Learned counsel for the petitioner further submits that



the quantity, allegedly, recovered from the possession of the petitioner is less than commercial quantity inasmuch as commercial quantity is 250 Gms and the recovery of Heroin from the possession of the petitioner is 238 Gms.

5. Learned counsel for the State, referring the impugned order, submits that in para-68 of the case diary, petitioner has acknowledged that he and one Bahadur Paswan are engaged in trafficking of drugs and Rs. 4 Lacs have also been recovered from the possession of the petitioner. As such, petitioner does not deserve privilege of regular bail.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that 238 Gms of Heroin which is slightly less than commercial quantity has been recovered from the possession of petitioner, I am not inclined to grant regular bail to the petitioner at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

7. However, petitioner, if so advised, may renew his prayer for bail after one year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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