

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35272 of 2022

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

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JAGARNATH TELI@ LALAK TELI S/O LATE RAM PAYAL TELI @
RAM PAYAR 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. Sarveshwar Tiwary, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-07-2022 Heard Mr. Sarveshwar Tiwary, learned counsel for

the petitioner and Mr. Nand Kishore Prasad, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Ara
Nawada P.S. Case No. 100/2020 corresponding to N.D.P.S. Case
No. 02/2020 registered for the offences punishable under
Sections 21 and 22 of the NDPS Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier on two occasions,
the bail application of the petitioner was dismissed by this Court
and lastly vide order dated 09.03.2022 while dismissing the bail
application for second time, this Court had granted liberty to the
petitioner to renew his prayer for bail after three months.



Learned counsel for the petitioner submits that the petitioner is 70 years old and is in custody since 31.01.2020 having no criminal antecedent. He further submits that the less than commercial quantity of *Heroine* has allegedly been recovered from possession of the petitioner. He also submits that from the date of last rejection of bail application of the petitioner, the trial has progressed a little bit and no witness has been produced by the prosecution after examination of one witness which would be evident from the certified copy of the order-sheet annexed with the bail application.

Having heard learned counsel for the parties and after taking into consideration the the fact that the *Heroine* recovered from possession of the petitioner is less than commercial quantity, the petitioner has got no criminal antecedent, he is in custody since 31.01.2020 and the trial has not recorded any progress after the rejection of the bail application of the petitioner for the second time, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3,



Bhojpur, at Ara, in connection with N.D.P.S. Case No. 2/2020 arising out of Ara Nawada P.S. Case No. 100 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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