

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1658 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

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Md. Ejajul Haque age about 54 years (M) S/O Abdul Basir, Resident of  
Village- Rampur Mehsaul ward No.- 9, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The Union of India through the Ministry of Home Affair Narcotics Control  
Bureau Kaepuri Thakur Sadan, Rajiv Nagar, Patna - 25

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate  
For the Opposite Party/s : Mr. Ratnesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      06-04-2021                      Heard Mr. N.K. Agrawal, learned senior counsel for  
  
the petitioner and Mr. Ratnesh Kumar, learned counsel for the  
  
Narcotics Control Bureau through video conferencing.

Petitioner seeks regular bail in connection with  
Complain Case No. - C2-02/2020 registered for the offence  
under Section 8/20(b)(ii)(b) of the N.D.P.S. Act.

The allegation against the petitioner is that S.S.B.  
intercepted a MARUTI SWIFT ZDI vehicle in which the  
petitioner was found sitting and recovered 10.2 Kg of “Ganja”  
from the possession of the petitioner.

Learned senior counsel for the petitioner submits that  
the petitioner has not committed any offence in the manner  
alleged and the “Ganja” which was recovered from the  
MARUTI SWIFT ZDI vehicle in question does not belong to  
the petitioner and he is having no concern with the same.  
Learned counsel further submits that the quantity of “Ganja”



seized is lesser than commercial quantity and petitioner is in custody since 08.07.2020.

On the other hand, learned counsel appearing for the Narcotics Control Bureau submits that petitioner is a habitual offender inasmuch as earlier also he was an accused in a case registered under Section 08/20(B)(II)b of the N.D.P.S. Act and further the “Ganja” recovered from the possession of the petitioner is more than small quantity and lesser than commercial quantity.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record and the fact that petitioner has got criminal antecedent, I am not inclined to grant bail to the petitioner at this stage.

Accordingly, the same stands rejected.

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

**(Anil Kumar Sinha, J)**

praful/-

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