

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRL. MISC. No.M-33313 OF 2016
DATE OF DECISION : 21st DECEMBER, 2016

Honey Kumar @ Honey Jain

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.196 dated 29.03.2016 registered under Sections 22/61/58 of NDPS Act at Police Station Ratia, District Fatehabad.

Heard learned counsel for the rival parties.

Seen the contents of the FIR. Following are the relevant averments in the FIR which I quote hereunder:

“Today I ASI alongwith HC Ravinder Kumar No.100 were present near New Bus Stand Ratia for patrolling and checking of crime. Then Shri Raman Kumar and Shri Kran Singh Drug Control Officer met and told me that they are having a complaint against M/s Lee Max Health Care Pharma Ratia regarding selling of intoxicant medicines. On That,

I ASI alongwith companions made a team at Bhuna Road, Ratia and reached at Max Factory where Honey son of Purushotam Jain, resident of Arora Colony, Ratia found present and in his presence raid was conducted at firm and during checking, a card board box was recovered from the chowkidar room constructed on the main gate of the factory containing 100 small box each box containing 100 strips/10-10 strips of Alprozolam (Col-D-0.5) total one lac tablets were recovered.”

It is not in dispute that mother of the petitioner is owner of the pharmaceutical manufacturing unit along with chemist license and he was present in the factory. The allegation is that in the chowkidar room of the manufacturing unit a cardboard box was recovered from which contraband was recovered. There is no link or connection or any other evidence collected by the prosecution that the petitioner would be in conscious possession of the contraband. Admittedly, the petitioner was present there at the relevant time but this is not sufficient evidence to hold that he was in conscious possession of contraband as he is owner of the manufacturing unit. Therefore, it would not be appropriate to continue the detention of the petitioner on the basis of such weak evidence unless the prosecution proves its case with the detailed and additional evidence.

In that view of the matter, the petitioner is entitled to concession of regular Bail. Hence, I make the following order:

ORDER

- (i) CRL. MISC. No.M-33313 OF 2016 is allowed.

- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) However, the observations made herein shall not prejudice the Court below.

21st DECEMBER, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No