

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

CRM-M No.38179 of 2021

Date of decision: 17th February, 2023

Dr. R.S. Chaudhary

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukesh K. Jindal, Advocate for the petitioner.

Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

Instant petition has been filed under Section 482 Cr.P.C. for issuance of directions to the respondents to remove and shift out the disputed products/drugs seized vide seizure memo dated 08.04.2021 in case FIR No.17 dated 03.02.2021 under Sections 188, 420 IPC and Section 18(c) of the Drugs and Cosmetics Act, 1940.

Learned counsel inter alia contends that the petitioner is owner in possession of Industrial Plot No.46, HSIIDC, Phase I, Sector I, IGC, Saha, Ambala Cantt. (hereinafter referred to as, 'the premises'). He submits that the premises in question was leased out to Vineet Bhagat vide lease deed dated 11.06.2020 for 11 months. Subsequently,

one FIR No.17 dated 03.02.2021 was registered against said Vineet Bhagat pursuant to a raid conducted by the complainant/respondent No.4. Vineet Bhagat, subsequently intimated the petitioner that he would be vacating the premises in question and two months' notice for vacating the premises was also given by him to the petitioner. However, while vacating the premises, the entire stock of the firm of Vineet Bhagat was seized and sealed by respondent No.4 in one of the rooms of the premises.

Learned counsel for the petitioner has asserted that the petitioner was in no manner connected with or had any concern with the stock which had been seized and sealed in his premises by respondent No.4. Since the lease qua the premises given to Vineet Bhagat stood terminated and vacant possession also had been delivered by Vineet Bhagat to the petitioner, the sealing of the stock of Vineet Bhagat's firm in his premises was causing grave prejudice to the petitioner. Learned counsel further submits that the petitioner had now entered into a new lease deed dated 10.04.2021 with one Anshul son of Vijay Kumar qua the premises in question, therefore, the respondents be directed to remove the seized stock from his premises.

Per contra, learned State counsel submits that since further proceedings in the matter had been stayed by this Court and the stock

seized and sealed by respondent No.4 was case property, the stock had been put in one of the rooms in the premises in question. However, learned State counsel has submitted that if the respondents were given permission, they would remove the stock from the premises in question.

I have heard learned counsel for the parties and perused the relevant material on record.

In view of the fact that the petitioner has been handed over vacant possession of the premises after the termination of lease deed by Vineet Bhagat, no purpose would be served by keeping the seized stock in the premises in question. Hence, the respondents are directed to remove the said stock from the premises in question after following due procedure under the provisions of law.

The petition stands allowed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

February 17, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No