
(2005) 02 DEL CK 0007

In the Delhi High Court

Case No : Bail Application 227 of 20045

Raj Kumar Raghav

APPELLANT

Vs

The State (N.C.T. of Delhi)

RESPONDENT

Date of Decision : 22-02-2005

Acts Referred:

Citation : (2005) 02 DEL CK 0007

Hon'ble Judges : Badar Durrez Ahmed, J

Bench : Single Bench

Advocate : Mohit Mathur, Ashwani Vaish and S.S. Chadha, for the Appellant;
Pawan Sharma, for the Respondent

Judgement

Badar Durrez Ahmed, J.—The learned counsel for the petitioner submits that the petitioner has been falsely involved in this case. The only role ascribed to the petitioner is that he was the sole proprietor of a concern known as "Jyoti Packaging" and that he is alleged to be the supplier of foil to one Mr S.C. Dua, who is alleged to have manufactured spurious drugs. It was argued by the learned counsel for the petitioner that the concern known as "Jyoti Packaging" was no longer operational and had shut its business operations on 20.06.2004 and had vacated the factory premises which was earlier occupied by it. He further submits that only one roll of foil was alleged to have been recovered from the residential premises of the petitioner. He further submits that there is not even a whisper of any allegation of any recovery of machinery whereby the foil could have been said to have been manufactured by the petitioner and/or printed by him.

2. He further drew my attention to the remand application dated 11.01.2005, whereby there was a request for police custody remand for two days in respect of the present petitioner. Going through the contents of the said application, he pointed out that the main accused were the said Shiv Charan Dua and one Mr Anuj Kumar, manager of the concern known as "Akben Pharma Pvt Ltd. From the said concern, the illegitimate drugs have been recovered from the factory

premises, including a large quantity of wrapper foils, rolls and dyes used for manufacturing the drugs. In the said application, it was mentioned that the present petitioner was arrested at the instance of the accused Shiv Charan Dua on his disclosure statement that the foil was supplied by the present petitioner. The police remand was required for the purposes of recovery of the remaining foils and the material used for preparing the same. However, despite the remand granted, no further recoveries are even alleged to have been made at the instance of the present petitioner. The learned counsel for the petitioner also pointed out that on 10.02.2005, the Sessions court had granted bail to the co-accused, Anuj Kumar Singh, who is the sole manager of the said concern known as "Abken Pharma Pvt Ltd". He submits that his case is much better than that of the co-accused, Anuj Kumar Singh, and on this ground also, he ought to be released on bail.

3. The learned counsel for the State, while opposing the grant of bail, submitted that the foil that was allegedly supplied by the present petitioner was not blank foil but printed foil and that makes a material difference to the case. He submitted that had the foil been blank, then the case would have been entirely different. However, a question was put to the learned counsel for the State as to whether any printing equipment and/or other machinery for the manufacturing of the said foil was recovered at the premises of the present petitioner. To this question, he answered, on instructions from SI Neeraj Kumar, that no such equipment and/or machinery was recovered and it is a fact that the said concern known as "Jyoti Packaging" continued business operations up to June 2004 and not thereafter.

4. In these circumstances, after considering the arguments advanced by the learned counsel for the parties, I direct that the petitioner be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned court.

The application stands disposed of.

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