

Court No. - 66

Case :- HABEAS CORPUS WRIT PETITION No. - 523 of 2020

Petitioner :- Ankur Kumar And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Abhishek Mishra,Rahul Mishra

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

In compliance with the *rule nisi* issued by this Court on 15.10.2020, the detenu Ankur Kumar has been produced before this Court by Sub-Inspector Kapil Kumar (HCPN. 523120), posted at P.S. Kotwali Nagar, District Muzaffarnagar, who has identified the detenu. Accordingly, this Court proceeds to record the stand of the detenu, which is recorded *verbatim*:

Q. Aapka Name?

Ans. Ankur Kumar.

Q. Aapki Aayu Kitni Hai?

Ans. 29 years.

Q. Aapke Pitaji ka Kya Name hai?

Ans. Sunil Kumar.

Q. Aapka Vyawsay Kya Hai?

Ans. Krishi (Kisaan).

Q. Aap Kahan se Aye Hain?

Ans. Nasha Mukti Kendra, Muzaffarnagar.

Q. Aap Waha Apni Marzi Se Rah Rahe The?

Ans.Nahi, Jabardasti Utha Ke Le Gaye The.

Q. Kaun Utha Ke Le Gaya Tha?

Ans. Mere Mama Billu aur 20-30 log Aur The. Char Gadi

Se Aye The aur Pistol Liye Hue The.

Q. Aap Kahan Jana Chahte Hai?

Ans. Apne Ghar.

Sri Onkar Singh, Advocate has put in appearance on behalf of respondent nos. 3 to 5. He submits that the detenu was admitted to the care of the Nasha Mukti Kendra by his mother.

The Sub-Inspector, who has produced the detenu after recovering him from Nasha Mukti Kendra has produced a letter signed by the Jeevan Rakshak Drug De Addiction and Rehabilitation Centre, Vishnu Vihar, Jansath Road, Muzaffarnagar. The said letter shows that the detenu was admitted to the Centre on the request of his mother. The letter dated 21.10.2020 produced by the Sub-Inspector Kapil Kumar is taken on record.

Heard Sri Rahul Mishra, learned counsel for the petitioners, Sri Onkar Singh, learned counsel appearing for respondent nos. 3 to 5 and Sri Indrajeet Singh, learned AGA appearing for the State.

After hearing learned counsel for the parties and taking into consideration the stand of the detenu, it is clear that he was in confinement at the Jeevan Rakshak Drug De Addiction and Rehabilitation Centre, Vishnu Vihar, Jansath Road, Muzaffarnagar against his will and wish.

It is pointed out by Sri Onkar Singh, learned counsel for the respondent nos. 3 to 5 that he was got admitted not by his maternal uncle (*Mama*) but by his mother because he is an alcoholic.

If a person is an alcoholic but otherwise of sound mind about there is no authority with any relative of his or Drug De Addiction and Rehabilitation Centre to detain him in custody against his will and wish. The first petitioner's detention is, therefore, found to be absolutely illegal.

It is apparent that Ankur Kumar being in illegal detention of Jeevan Rakshak Drug De Addiction and Rehabilitation Centre, Vishnu Vihar, Jansath Road, Muzaffrnagar, the S.S.P., Meerut ought to take necessary action in accordance with law against Jeevan Rakshak Drug De Addiction and Rehabilitation Centre, Vishnu Vihar, Jansath Road, Muzaffrnagar or anyone at whose instance, the detenu was confined.

So far as the present petition is concerned, it is held that Ankur Kumar has been illegally confined at Jeevan Rakshak Drug De Addiction and Rehabilitation Centre, Vishnu Vihar, Jansath Road, Muzaffrnagar at the instance of his maternal-uncle (*Mama*), respondent no. 4 Virendra Singh @ Billu. The *rule nisi* is, accordingly, made absolute.

The first petitioner Ankur Kumar is ordered to be set at liberty forthwith. He is free to go where he likes. He will not be confined by anyone against his will and wish.

This petition is **allowed** in terms of the aforesaid orders.

Since, there is an apprehension expressed on behalf of the detenu who has petitioned this Court that he may be subjected to violence at the hands of respondent nos. 3 to 5 who forced him into illegal detention, the S.S.P., Meerut is ordered to ensure that no harm is caused to the detenu in

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future.

Let this order be communicated to the S.S.P., Meerut by the Joint Registrar (Compliance) for information and compliance within 48 hours.

Order Date :- 22.10.2020

Deepak