

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

BAIL APPLN. No. 24 of 2024

Md. Yaibi

.... Petitioner

- Versus -

Officer-in-Charge, NAB & Anr.

....Respondents

B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

O R D E R

29.11.2024

[1] Heard S. Rupachandra, learned senior counsel appearing for the petitioner and Mr. Samarjit Hawaibam, learned senior counsel assisted by Mr. W. Niranjit, learned Deputy Government Advocate appearing for the respondents.

[2] The present application has been filed under Section 439 of the Cr.P.C. 1973 read with Section 482 of the same with the following prayer:

- (i) To pass an order for releasing the petitioner/accused on bail in connection with FIR Case being FIR No. 01(02)2024 NAB-PS, U/S 22(c)/25/60(3) of the ND & PS Act, 1985.
- (ii) To pass an interim order to release the petitioner/accused on bail on medical ground in connection with FIR case

being FIR No. 01(02)2024 NAB-PS, U/S 22(c) 25/60(3) of the ND & PS Act, 1985.

- (iii) To pass for dispense the affidavit of the petitioner/accused as the petitioner is in the jail.
- (iv) To pass any further order or orders as to this Hon'ble Court may seem fit and proper for the ends of justice.

[3] Perused the application, documents annexed and also latest medical report submitted by the M.O. of the Manipur Central Jail, Sajiwa.

It is an admitted position of fact that the seized contraband drug was of commercial quantity and the petitioner/accused was arrested on 19.02.2024. The charge sheet was filed before the Special Court (ND & PS), Manipur at Lamphelpat by the I.O. of the case after completion of the investigation.

[4] The present petitioner/accused filed a bail application being Cril Misc.(B) Case No. 34 of 2024 before the Special Court (ND & PS), Manipur at Lamphelpat for releasing him on bail. However, vide order dated 30.04.2024, the Ld. Special Court rejected the bail application of the petitioner/accused on the following grounds:

"6. As per the Health Status Report dated 17/04/2024 of the accused/applicant prepared by Dr. M. Amarjit Meetei, Medical Officer, MCJ, Sajiwa, the accused is suffering from Grade I internal haemorrhoids and multiple renal calculi. The said Dr. M. Amarjit Meetei, Medical Officer, MCJ, Sajiwa was also examined by this Court of CW No. 1 on 29/04/2024. As per testimony of CW No. 1, the accused has been advised by the concerned Urologist at Urology Department, JNIMS for surgical removal of the renal calculi by undergoing Percutaneous

Nephrolithotomy (PCNL) but the facility to perform PCNL is said to be not available at JNIMS at present. According to CW No. 1, there is a Urology Department at RIMS and there is no confirmation as to whether the said PCNL could be done at RIMS unless the accused is produced at Urology RIMS and that at present the accused has been prescribed medications and if his condition worsens, he can be referred to RIMS Hospital. CW No. 1 also stated that the condition of the accused in respect of haemorrhoids Grade I is being effectively managed conservatively and would be reviewed as advised by the Surgeon at Surgery Deptt. of JNIMS.

7. In my considered view, as per testimony of CW No. 1 and the health status report submitted by CW No. 1, the accused has been given proper medical attention for his ailments by the jail authority. There is nothing in the record to show that the accused is suffering from any medical conditions for which he needs to be treated immediately at a better health facility otherwise his life will be in danger or that he is required to be released on bail for better medical treatment.

8. It is not in dispute that the accused was arrested, alleging to have been involved in a commercial quantity of the suspected contraband WY (Methamphetamine). On perusal of the materials on record, at this stage, there exists no such facts and circumstances on record that are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offences or no reasonable grounds to believe that the accused is not guilty of the said offences. There is also nothing to show that the accused is not likely to commit any similar offence while on bail.

9. In view of the above statement of said Dr. M. Amarjit Singh, Medical Officer of MCJ, Sajiwa in c/w the health status report of the accused, having regard to all the relevant considerations including seriousness of the alleged offences and the stage of the case, I am not inclined to release the accused on bail. "

[5] As requested by the learned senior counsel appearing for the petitioner/accused, a fresh medical report was called for from the S.P., Manipur Central Jail, Sajiwa. The illness mentioned in the latest medical report is same with the previous report submitted before the Ld. Special Judge. However, in the present medical report, the M.O. of the Manipur Central Jail, Sajiwa has stated in the bottom of the report that –

"Presently he is having reddish urine with burning sensation while passing urine, bleeding piles, back pain, numbness of lower limbs, hypertension etc. He will require further treatment and may review at time when necessary."

[6] In the facts and circumstance of the case and opinion/observation given by the M.O. of the Manipur Central Jail, Sajiwa, the Doctor of the Manipur Central Jail, Sajiwa has given proper medical attention for his illness as of now. However, the M.O. did not mention about the requirement of the petitioner/accused for treatment outside the jail.

The petitioner is given liberty to approach this Court, if the medical issue of the petitioner/accused is worsened.

[7] With the above observation, the present bail application is dismissed.

JUDGE

Bipin