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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1282/2017**

RAKESH GUPTAPetitioner

Through: Mr. Kamal J. S. Mann, Advocate

Versus

STATE(NCT OF DELH)

.....Respondent

Through: Ms. Aashaa tiwari, APP for the State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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12.07.2017

1. By this instant application filed under section 439 of Code Of Criminal Procedure, the applicant seeks interim bail in case FIR No. 28/2016 under section 18/29 of NDPS Act registered at Police Station District Special Cell (NR) on the ground that Smt. Vinita Gupta, wife of the petitioner is suffering from Uterine Prolapse with Cycstocoel and she has been advised by Dr. Manish Tandon at Shri Ganga Charan Hospital (P) Ltd., Bareilly, UP to undergo surgery on 15.07.2017.
2. Notice in this petition has been issued on 07.07.2017 and status report/ verification report has been called.
3. The status report filed by the State goes to show that though the wife of petitioner is advised by the doctors to undergo surgery but her condition is not critical and can also be cured by the medicines. It is further averred in the status report that there are two young children,

son (19 Years) and daughter (17 Years) of the petitioner, who can take care of her.

4. It is pertinent to point out here that earlier also petitioner has moved an application for interim bail on the same ground stating the date of surgery as 29.05.2017, but the same was dismissed on 26.05.2017 whereas now the date of surgery is mentioned to be fixed at 15.07.2017.

5. Moreover, the allegations against the petitioner are serious in nature as it's a case of commercial quantity of narcotic drugs.

6. In these circumstances there are no exceptional or extraordinary circumstances/grounds for granting interim bail to the petitioner, therefore, the present application for interim bail is dismissed.

SANGITA DHINGRA SEHGAL,J

JULY 12, 2017

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