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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2481/2017 & CRL.M.A. 19999/2017**
KHURSHID ALAM Petitioner
Through: Mr. Gautam, Adv.

versus

GOVT OF NCT OF DELHI Respondent
Through; Mr. Panna Lal Sharma, APP for State.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **01.12.2017**

Vide the present petition, the petitioner seeks to be released on interim bail for a period of 4 weeks in FIR No. 6/14, PS Special Cell under Sections 21/29 of NDPS Act, 1985, submitting to the effect that the petitioner is pursuing his studies from the Indira Gandhi National Open University with the name of the programme as MSO (Sociology), which examinations are fixed on 04.12.2017, 06.12.2017, 12.12.2017 and 21.12.2017 and that the centre for the examination is at the Gandhi Memorial Degree College, Baba Dam Fateh Kadal, Srinagar, J & K. The petitioner has further submitted that he has an enrolment no. 171008397 with his control no. 1217404857 and the date sheet and examination admit card have been issued by the University. The petitioner has further submitted that the MA (Sociology) subject is not available in the Central Jail, Tihar and the petitioner had submitted his application form for the subject from

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his native place and the university had allotted the petitioner the centre for his examination in Sri Nagar, J & K.

The petitioner submits that he has sought the grant of interim bail before the learned trial Court which dismissed his application observing that the university had issued a revised hall ticket for the examination and fixed the centre at the Central Jail No. 3, Tihar, Delhi.

The impugned order dated 30.11.2017 of the learned Special Judge, NDPS, New Delhi in FIR No. 6/14, PS Special Cell observes to the effect that

“as per the verification report filed by the Investigating Officer however, he has received a letter from IGNOU dated 28.11.2017 wherein it is mentioned that the applicant/accused has been issued revised hall ticket and his centre has been fixed at Tihar Jail No. 3 itself and there is no need for him to visit Srinagar for examination”.

The petitioner submits that the learned trial Court failed to appreciate that in the said verification report the university had not made it clear whether the examination for MA (Sociology) was also to be taken in the Central Jail, Tihar because the said subject was not available in the Central Jail, Tihar. The petitioner has further submitted that he has been granted interim bail previously vide order dated 23.12.2014 which had been extended vide orders dated 17.01.2015, 28.01.2015 and was further extended vide order dated

30.01.2015 and that the petitioner has surrendered in time and did not misuse the order of the court. The petitioner has further submitted that he is a permanent resident of J & K and there is no chance of his absconding and that he is ready to furnish the sound surety to the satisfaction of the court.

In view of the impugned order dated 30.11.2017 observing to the effect that the verification report filed by the IO stated that he had received the letter from IGNOU dated 28.11.2017 mentioning that the applicant/accused has been issued the revised hall ticket with his examination centre at Tihar Jail No. 3 itself as it was submitted on behalf of the petitioner that the petitioner had not received any such revised hall ticket, the State was called upon to submit the same on the record.

As the matter has been taken up at 5 pm as being so assigned now vide a supplementary list, the learned APP was requested to ask the IO to submit the revised hall ticket through *e mail*, which revised hall ticket dated 29.11.2017 as issued by the IGNOU Evaluation Division, Maidan Garhi, New Delhi-110068 has been sent by SI Alok Kumar of the Special Cell through email id- acp-ndr3-splcell-dl@nic.in of Inspector Kailash Bisht which was sent to the email address of the Court Master of this Court, the Court Master being Mr. Manoj Kapoor at his email address- mkapoor690@gmail.com which has been sent at 5:33 pm today with revised hall ticket of the petitioner Khurshiad Aalam Khan with his address 268 Chanhar, Gutlibagh Wayiloo, Ganderbal-191201, Jammu & Kashmir qua

enrolment no. 171008397 MSO with his control no. 1217404857 for his examinations on the dates 04.12.2017, 06.12.2017, 12.12.2017 and 21.12.2017 has been sent which indicates the Exam Centre Code to be 0719 with the Exam Centre Address being Ward No. 11, Tihar Study Centre, Central Jail No.3, Tihar, New Delhi, which clearly indicates that the examination centre of the petitioner is at Ward No. 11, Tihar Study Centre, Central Jail No.3, Tihar, New Delhi. It is apparent thus that the prayer made by the petitioner seeking that he be allowed to be released on bail to go to Srinagar, J & K cannot be allowed and is thus declined.

As it has been submitted on behalf of the petitioner by the learned counsel present that the petitioner is in the Rohini Jail, the Superintendent of Jail, Rohini is directed to ensure that the petitioner is taken to the Ward No. 11, Tihar Study Centre, Centre Jail No.3, Tihar, New Delhi in judicial custody on all dates of his examination that is 04.12.2017, 06.12.2017, 12.12.2017 and 21.12.2017 with directions that he reaches the examination centre at least 45 minutes before the scheduled time of the examination. A copy of the email dated 01.12.2017 along with the revised hall ticket be supplied to the learned counsel for petitioner.

The alternative prayer made by the petitioner seeking that he be allowed to be released on interim bail to go to J & K so that he can prepare for his examination is disallowed in the circumstances of the case as his examination centre is at the Central Jail No.3, Tihar, Delhi. The IO of the case would ensure that the petitioner is allowed to

appear for his examinations on the scheduled date and in time on the Central Jail No.3, Tihar. Copy of this order be supplied to the State and to the petitioner and be sent to the Superintendent Jail, Delhi.

The petition is disposed off accordingly.

Copy of the order be given *Dasti*, under the signatures of the Court Master.

ANU MALHOTRA, J

DECEMBER 01, 2017/vm