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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3157/2019**
MR. PRINCE IFEANYIPATRIC @ PRINCE DARLINGTON
AGUKWE Petitioner
Through Mr.Anoop Kumar Gupta, Adv.

versus

STATE Respondent
Through Mr.Hirein Sharma, APP for State with
ASI Charan Singh , Narcotics Squad
West, PS Tilak Nagar, Delhi

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **25.02.2020**

The present petition has been filed by petitioner for grant of bail in FIR No.01/2019 for offences punishable under Sections 21 and 25 of NDPS Act read with Section 14 and 14-B of Foreigner Act, 1946, P.S. Tilak Nagar, Delhi. Later on, Sections 419, 420, 468, 471 and 474 of IPC were added in charge-sheet.

The story of prosecution is that substance was recovered from petitioner when he was riding a scooty, whereas, the case of the petitioner is that he is on wheelchair even before the date of incident and he does not have driving license and was not able to ride scooty. Thus, the petitioner has been falsely implicated in the present case.

In view of above, vide order dated 23.12.2019, Jail Superintendent concerned was directed to file report regarding medical condition of petitioner thereby specifying whether petitioner was able to ride scooty on

the date of incident?

In addition to above, what is the present condition of petitioner and whether as on date he can ride any vehicle?

Pursuant to said order, report of Senior Medical Officer, Central Jail No.10, Rohini has been filed wherein it is stated that petitioner has been visiting jail dispensary with the complains of low backache and radiculopathy. He had history of spine surgery being done around 4-5 years back, however, no previous records, are available. He is being provided appropriate treatment for the same from jail dispensary as well as from referral hospital (Dr. BSAH). The treatment is on conservative lines.

Petitioner was referred to Dr. BSA Hospital for specialist opinion where he was reviewed by the Orthopaedician on 10.01.2020 and was prescribed some medicines and MRI spine. The same are being performed and petitioner is planned to be reviewed after all the investigations are being done. At present, petitioner's health is stable and satisfactory and he is being provided necessary medical care and attention.

Learned APP submits that petitioner entered India on account of fake passport and at present neither he has valid passport nor any visa.

Learned counsel for petitioner submits that during pendency of present case, petitioner has been issued new passport in his name and visa is under process.

It is not in dispute that recovery from petitioner is of intermediate quantity, thus, Section 37 NDPS Act is not applicable to present case.

Pursuant to direction of this Court, vide order dated 15.01.2020, Jail Superintendent concerned was directed to produce petitioner in Court. Petitioner is present in Court on wheel chair, therefore, keeping in view his

medical condition and on humanitarian ground, I am of the view that petitioner deserves bail.

Accordingly, petitioner shall be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of Trial Court.

Petitioner shall not leave India without permission of Trial Court. He shall report to Police Station Tilak Nagar, New Delhi on every Sunday between 4 pm to 6 pm. He shall furnish his present address and contact number and in case of any change, the same shall be furnished to IO/SHO concerned.

The application is allowed and disposed of.

Order *dasti* under the signatures of Court Master.

Copy of this order be transmitted to the Jail Superintendent and Trial Court concerned for necessary compliance.

FEBRUARY 25, 2020/rk

SURESH KUMAR KAIT, J