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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 255/2020**

BAIJ NATH MEHTO

..... Petitioner

Through: Mr Mohd. Adil, Advocate.

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State for
Mr Ranbir Singh Kundu, ASC.
SI Naveen, PS Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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28.02.2020

1. The petitioner has filed the present petition impugning an order dated 10.12.2019, whereby the petitioner's request to be released on parole was rejected in view of Rule 1211 of the Delhi Prison Rules, 2018.

2. The petitioner was convicted for an offence, *inter alia*, under Section 21(c) of the Narcotics, Drugs and Psychotropic Substances Act, 1985 (NDPS Act) as a large quantity of *ganja* was recovered from his possession. The petitioner was sentenced to ten years of imprisonment and along with fine.

3. The petitioner states that he has already served approximately seven years and is seeking parole to look after his family and to organise and carry out the construction work of his house. The petitioner claims that he is the only male member of his family and there is no one else to look after his family. The petitioner has also annexed certain photographs to indicate that his house is in a semi constructed state and does not appear habitable.

4. The status report has been filed which indicates that the petitioner is not the only male member of his family; His son, namely Raju Prasad Mahto, is working as an electrician and is looking after the whole family. The petitioner's family is residing in a self-owned house, built on approximately 100 sq. yards consisting of four rooms constructed up to a single storey. Photographs of the said house have also been placed on record.

5. Apart from the fact that the averments made in the petition have not been verified, it is seen that Rule 1211 of the Delhi Prison Rules, 2018 also expressly provides that parole would not be granted, except if in the discretion of the Competent Authority special circumstances exist for grant of parole, to prisoners who are convicted under sedition, terrorist and NDPS activities.

6. Thus, in terms of Rule 1211 of the Delhi Prison Rules, 2018, the petitioner is not entitled to be released on be granted parole, unless special circumstances exist. Considering that the averments made by the petitioner have not been verified and there are no special circumstances warranting that the petitioner be released on parole, this Court finds no infirmity with the impugned order dated 10.12.2019 rejecting the petitioner's application for parole.

7. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

FEBRUARY 28, 2020/RK