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

+ **BAIL APPLN.1178/2020**

CHANDER PAL

.....Petitioner

Represented by: Mr.Hemant Gulati, Advocate.

versus

STATE, NCT OF DELHI

..... Respondent

Represented by: Mr. Hirein Sharma, APP for State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.06.2020

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The hearing has been conducted through Video Conferencing.

1. By this petition the petitioner seeks interim bail in case FIR No. 28/2016 under Sections 18/19 of the NDPS Act registered at PS Special Cell on the ground that the son of the petitioner has to undergo surgery of hernia on 12th June, 2020.
2. On a notice being issued a status report has been filed by the State. As per the Status report on facts, the petitioner and co-accused who were arrested were indulging in the possession and sale of narcotics as a syndicate. Besides the petitioner being a member of the syndicate and that recoveries were made from various members, the case of the prosecution is that 10 kg of opium was also recovered at the instance of the petitioner from his house.
3. The FSL report and the voice sample also proves that one of the voices intercepted in the conversation relating to this syndicate pertains to this petitioner. The petitioner has been in custody since the date of arrest i.e.

25th May, 2016.

4. The present interim bail for a period of two weeks is being sought on the ground that the son of the petitioner is to undergo surgery of hernia. As per the report received the concerned Doctor informed that earlier also the surgery of the petitioner's son aged 17 years namely Master Sandesh was fixed, however it could not be performed due to the non-availability of the attendant and now the date fixed is 12th June, 2020. The petitioner's family comprises of his wife, married daughter and a son younger than Master Sandesh who is aged about 15 years.

5. Considering the fact that at the time of surgery of hernia of the petitioner's son who is aged 17 years, the presence of the petitioner would be necessary and also the fact that earlier when the petitioner was granted interim bail at the time of marriage of his daughter, there was no allegation that he misused the said concession, this Court is inclined to grant interim bail to the petitioner.

6. It is therefore directed that the petitioner be released on interim bail for a period of two weeks on his furnishing a personal bond in the sum of Rs.5 lakhs and a surety bond of the like amount to the satisfaction of the Court concerned/Duty Magistrate. It is clarified that if the surgery of the petitioner's son is not conducted within one week of the release on interim bail, he will surrender back to custody.

7. Petition is disposed of.

8. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JUNE 11, 2020
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