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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1180/2020 & CRL.M.As. 7389/2020 & 7390/2020**

IKRAM

..... Petitioner

Through: Mr. Jai Prakash, Advocate. (M:
9911063933)

versus

THE STATE

..... Respondent

Through: Mr. Ravi Nayak, APP with Inspector
Karambir, PS Special Cell.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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09.06.2020

1. This hearing has been held through video-conferencing.
2. The Petitioner in the present case seeks interim bail in order to take care of his wife, who is stated to undergo surgery this week.
3. The Petitioner has been charged under Sections 21, 22 and 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (*hereinafter*, “NDPS Act”). The allegation of the prosecution is that he was in possession of 2 kg of heroine and together, along with the drugs seized from the other co-accused and the drugs seized from the vehicle, a total of 6 kg of heroine was confiscated.
4. Earlier, the Petitioner was granted interim bail on 21st October, 2019 and he surrendered on time. The Petitioner states that his wife is to undergo surgery on 12th June, 2020 as she is suffering from gynecological problems including a bulky uterus and an ovarian cyst. The Petitioner also has 7 children. He, accordingly, prays for interim bail.
5. Ld. APP submits that the status report shows that the offences are

serious in nature. He, however, admits that in the present case the Petitioner had previously been granted interim bail and he had surrendered on time. Ld. counsel submits that the medical record of the Petitioner's wife has been verified, however, there is no need for grant of bail as he has an extended family to take care of his wife. Without prejudice it is also submitted that if bail is granted, stringent conditions be imposed.

6. Trial in the case is continuing and is now fixed for 26th June, 2020. It is stated that out of a total of 12-13 witnesses, there are no public witnesses and three police official witnesses have already been examined.

7. This Court has considered the submissions as also the record. The wife of the Petitioner is to undergo surgery on 12th June 2020 at the '*Seth Baldev Das Bajoria District Hospital, Saharanpur, UP*'. On a previous occasion bail was granted to the Petitioner on 21st October 2019 (*Bail Appln 2386/2019*), however, the surgery could not take place due to complications. On 2nd June 2020, the Petitioner had withdrawn Bail Application 1087/2020, as the date for surgery was not fixed. Considering that the medical record of the Petitioner's wife has been verified and the surgery is now fixed for 12th June, 2020, and the past conduct of the Petitioner, the Petitioner is granted interim bail for a period of 30 days from the date of his release, on the following terms and conditions:

- i. The Petitioner shall furnish a personal bond to the tune of Rs.25,000/- to the satisfaction of the Jail Superintendent, Mandoli Jail.
- ii. An additional surety of the Petitioner's nephew, who is the *paikar* in the present case, of an equivalent amount be also furnished to the satisfaction of the Jail Superintendent, Mandoli

Jail.

- iii. The Petitioner shall supply to the Investigating Officer his active mobile number. While he will be staying in Saharanpur, Uttar Pradesh, he shall call the Investigating Officer on every alternate day and report to him telephonically.
 - iv. The Petitioner shall, on every Monday at 11:00 am, report to the SHO of PS Nanauta, Saharanpur, Uttar Pradesh and he shall not leave the territorial limits of PS Nanauta.
 - v. The Petitioner shall not contact any of the witnesses in the matter.
8. The Petitioner shall surrender immediately upon the expiry of 30 days. Since this interim bail is being granted only for the purposes of the surgery of the Petitioner's wife, if the surgery does not take place during these 30 days, no further extension of bail shall be granted in this matter on this ground.
9. The bail application, along with all the pending applications, is disposed of in the above terms. Copy of the order be communicated to the Jail Superintendent, Mandoli Jail.

PRATHIBA M. SINGH, J.

JUNE 09, 2020

dk/T