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

+ BAIL APPLN. 2294/2020

MOHD. SAIDUL SEIKH

..... Petitioner

Through Mr. Kamal J S Mann, Adv.

versus

STATE

..... Respondent

Through Mr. Amit Chadha, APP for State.
SI Rakesh PS Special Cell.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **24.08.2020**

The hearing has been conducted through video conferencing.

Crl. M.A. 11445/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

Bail Appln. 2294/2020

3. The present petition has been filed under section 439 Cr.P.C. on behalf of the petitioner for grant of interim bail on medical grounds of his wife, who is to be operated for gall bladder stone on 26.08.2020 and date of admission in the hospital is 24.08.2020 in pursuance to FIR No.160/2019 dated 18.09.2019 registered at Police Station Special Cell (NR) for the offences punishable under section 21/29/61 NDPS Act.
4. Notice issued.
5. Learned APP accepts notice for State and has opposed the present

petition by submitting that 5 kg. of heroine was recovered from Mohd. Abu Bakar Siddique and 5.5 kg of heroine from co-accused, Bajlur Rehman. They disclosed that they are supplying the same on the instructions of the petitioner who is from Guwahati.

6. Case of the petitioner is that there is no recovery from the petitioner and investigation is complete, petitioner is in Judicial Custody since 09.01.2020, therefore, he is not required for further investigation.

7. Keeping in view the recovery mentioned above which is a commercial quantity, section 37 of NDPS Act comes into play, therefore, case is not fit for grant of bail.

8. As prayed by counsel for the petitioner that if the petitioner is not granted regular bail, at least he may be released on interim bail on the ground that surgery of the wife of the petitioner is fixed on 26.08.2020, there is no one in the family to arrange money and look after her but as verified by learned APP there are 2 brothers and 3 sisters of the petitioner staying withing 10 kms. in the vicinity of the place where the of wife of the petitioner is living, on that account also, I am not inclined to grant interim bail to the petitioner.

9. In view of above, the petition is dismissed.

10. The Trial Court shall not get influenced by the observations made by this Court.

11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

AUGUST 24, 2020/ab