



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1064 OF 2023

SANJIB NIMAI SARKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Tabish Mooman for the applicant.
Mr. P. H. Gaikwad, APP for the State.
API D. S. Gaikwad, ANC Bandra.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail on the medical ground in respect of the offence punishable under Sections 8(c) read with 21(c), 22(k), 27(a), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter "NDPS Act" for short) registered on 30/6/2021 vide C.R. No.55/2021 with ANC, Bandra Unit.
- 3.** The applicant was arrested on 30/6/2021. It is urged by learned counsel for the applicant that the applicant is

addicted to drugs and he needs medical attention and rehabilitation.

4. Even experts have reported that patient needs regular treatment from psychiatry set up which dispenses tablet BPN+N as maintenance treatment. In the past history it is reported that patient reported history of seizure, history of tuberculosis, history of taking treatment from the JJH psychiatry OPD.

5. Learned counsel for the applicant submitted that the applicant may be enlarged on temporary bail so that he can be avail the facilities at the Rehabilitation Centre.

6. Learned APP, on instructions, submitted that all such facilities of rehabilitation and drug treatment as well as psychiatric treatment is available at the G. T. Hospital. It is stated that as per MHCA, 2017, the applicant can be kept for a maximum period of 28 days.

7. In this view of the matter, the applicant be admitted to G. T. Hospital. The applicant be provided necessary medical treatment at G. T. Hospital. Upon his discharge, he will be taken back to the prison.

8. The Superintendent, Arthur Road Jail, to make necessary arrangements to shift the applicant to G. T. Hospital. The escort charges shall be borne by the State Government.

9. Liberty to file application for regular bail as well as on the medical ground is kept open.

10. The application is disposed of.

(M. S. KARNIK, J.)