



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

BAIL APPLICATION NO. 2808 OF 2023

GURMEET UJJAGAR SINGH

..APPLICANT

VS.

UNION OF INDIA AND ANR.

..RESPONDENTS

Adv. Ashwini Achari a/w Adv. Taraq Sayed for the Applicant.
Adv. Shriram Shirsat a/w Adv. Adithi Rao a/w Adv. Shekar
Mane for the NCB.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 07, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned counsel Shri Shirsat for the NCB.
- 2.** This is an application for bail on medical grounds in respect of the offence punishable under Sections 8(c) read with 20(c), 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, ("NDPS Act" for short) registered vide NDPS Spl. Case No. 1526 of 2021 in NCB/MZU/CR-57/2021 R.A. No. 661/2021 with Narcotics Control Bureau, Mumbai Zonal Unit.
- 3.** Mr. Shirsat submits that the applicant is a resident of

Jammu and Kashmir and there is every possibility of the applicant jumping the bail. It is further submitted that the applicant has come out with a specific case that he wants to be treated in Mumbai. Mr. Shirsat submitted that offence is serious and he is opposing the applicant's release on bail on medical grounds as adequate medical facilities are available in the prisoner's hospital and proper medical care is provided to the applicant.

4. The bail is sought on medical grounds. From the applicant, there was a recovery of 6.8 kg of contraband "Charas". The applicant was arrested on 15/06/2021 and is now in custody for more than 2 years and 3 months. I am informed that even the charge is not framed. I am considering the above circumstances alongwith the circumstance that bail is sought on medical grounds.

5. I have gone through the medical report of the prison hospital pursuant to the applicant's referral to the Tata Cancer hospital. The applicant is suffering from Chronic Myeloid Leukemia (Blood Cancer). Pursuant to the order passed by this Court calling for a medical report, the Chief

Medical Officer of Mumbai Central Prison on 29/09/2023 had referred the applicant to the Tata Cancer hospital. The applicant is a known case of Chronic Myeloid Leukemia and undergoing treatment for the same at Tata Cancer Hospital since 2 years. The prisoner's medical report dated 05/10/2023 has been submitted in this Court, which reads thus:-

"1) Reason for Medical Report: Hon'ble Court order"

2) Under Trial/Convict No. N-206/2023

3) Name of Prisoner: Gurmeet Ujjagar Singh

4) Age and Sex: 42 yrs/Male

5) Past history: Known case of Chronic Myeloid Leukemia

6) Clinical Findings:

A) GENERAL EXAMINATION

Observation	Details
Temp.	97.2 °F
Pulse Rate	96/min
B.P.	110/80 mm Hg
R.R.	18/min
SPO2	98%

B) SYSTMIC EXAMINATION

System	Details
C.V.S.	S1,S2 +, no murmur
R.S.	Air entry bilaterally equal,

	no added sounds
Abdomen	Soft, non-tender
C.N.S	Conscious, oriented

7) Investigations Done (If any): multiple investigations at Tata Memorial Hospital, Mumbai.

8) Clinical Diagnosis: **Chronic Myeloid Leukemia.**

9) Medical facilities available in prison hospital:
(whichever is available that same should be + marked)

1	Multipara	+	2	ECG Machine	+
3	Glucometer	+	4	Liver Function Test	-
5	Sputum Exam	+	6	Urine Test	-
7	Dengue Rapid Test	-	8	Malaria Rapid Test	+
9	X-Ray facility	-	10	Dental Services	-
11	Renal Function Test	-	12	Nebulisation	+
13	Proctoscopy	-	14	ICTC Lab for HIV	+
15	General Ward	+	16	Isolation Ward	+
17	Psychiatric Ward	+	18	In house Ambulance Service	+
19	Prison Psychiatrist	-	20	Emergency Kit with Oxygen	+

10) Treatment Given: On regular treatment from Tata Memorial Hospital

11) Present Health Status: Patient was sent to Tata memorial Hospital for evaluation on 03/10/2023. Report received from Tata Memorial Hospital says "He is currently stable medically. However has loss of Major Molecular Response on reports." He has been given follow up after 5 weeks and to continue Dasatinib. (copy of the report attached herewith)"

6. I have gone through the order passed by the trial Court. The trial Court in paragraph No.8 was, *prima facie*, of the opinion that as the medical condition of the applicant is stable and necessary medical treatment is being provided in Tata Memorial Hospital, Mumbai coupled with the fact that the applicant is the resident of the Jammu and Kashmir and there is nothing on record whether the applicant has any arrangement for staying in Mumbai, rejected the application.

7. There is no doubt that the applicant needs constant medical treatment for his illness. The applicant is receiving medical aid in prison. I am conscious that the twin condition prescribed by Section 37 of the NDPS Act are to be satisfied before enlarging the applicant on bail. It is in the above circumstances that I am enlarging the applicant on bail without going into merits. Taking an overall view of the matter, considering his medical condition and the fact that the applicant has been now incarcerated for more than 2 years and 3 months and as there are no criminal antecedents reported against the applicant, I am inclined to

enlarge the applicant on bail in the interest of justice and on humanitarian grounds by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Gurmeet Ujjagar Singh in connection with NDPS Spl. Case No. 1526 of 2021 in NCB/MZU/CR-57/2021 R.A. No. 661/2021 with Narcotics Control Bureau, Mumbai Zonal Unit, shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) Before his release on bail, the applicant shall furnish his contact details and details of arrangement of his stay in Mumbai to the Narcotics Control Bureau, Mumbai Zonal Unit, for verification purpose and always keep the authorities updated if there is any change.
- (d) The applicant shall report to the Narcotics Control Bureau, Mumbai Zonal Unit, twice a week, every Wednesday and Sunday, between 10.00 a.m. and 12.00 noon.
- (e) The applicant shall not leave the jurisdiction of Mumbai/Mumbai suburban district without prior permission of the trial Court.
- (f) The applicant shall not directly or indirectly make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(g) The applicant shall attend the trial regularly.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

(i) It is made clear that in case of any breach of condition on part of the applicant, the prosecution is at liberty to move an application for cancellation of bail.

(j) In the meantime, till the release of the applicant, the applicant be provided the requisite medical facilities, for his illness.

8. The application is disposed of.

9. List the application on 27/10/2023 (high on board), under the caption "For direction".

10. It is made clear that I have not considered the application on merits and the bail is granted only on medical grounds.

(M. S. KARNIK, J.)