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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 788/2024**
RAHUL

..... Applicant

Through: Mr.Shadman Ali, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr.Aman Usman, APP.
SI Rajbir Singh, PS Prahlad
Pur, New Delhi

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

11.03.2024

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1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for the Applicant to be released on *Interim* Bail in FIR No.356/2021 registered at Police Station: Pul Prahlad Pur, South-East District, Delhi, under Sections 20/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act').
2. The Applicant has been in custody since 15.07.2021, when he was apprehended alongwith a truck allegedly carrying cannabis (*Ganja*). In the application, it is stated that the applicant's wife was suffering from severe abdominal pain in the month of December, 2023. It is stated that she visited the New Care and Trauma Centre Hospital in Faridabad for treatment on 23.12.2023. It is stated that after conducting the blood test and ultrasound, the Doctors have



diagnosed her to be suffering from an ovarian cyst in her ovary and have advised a surgery. The surgery was earlier fixed for 18.01.2024. As the same could not be followed up due to financial constraints, it was then fixed for 02.03.2024, and has now been fixed for 13.03.2024.

3. The learned counsel for the Applicant submits that the Applicant has only his aged parents to look after the wife of the Applicant.

4. On the other hand, the learned APP submits that though the medical documents of the wife of the Applicant have been verified, she can be looked after by the parents of the Applicant, who are not that old, and are aged around 54 years. He further submits that as commercial quantity of the contraband was recovered from the Applicant, the test of Section 37 of the NDPS Act would also have to be satisfied by the Applicant.

5. I have considered the submissions made by the learned counsels for the parties.

6. As is noted hereinabove, the Applicant has been in custody since 15.07.2021. There is no other criminal case stated to be pending against the Applicant. The medical documents of the wife of the Applicant have been duly verified, and the Doctors have opined/advised for surgery, which is now scheduled to be conducted on 13.03.2024.

7. Only because the Applicant is presently alleged to be an accused in a case under the NDPS Act, in my view, the Applicant cannot be denied the opportunity/right to ensure that his wife gets



adequate and proper medical care. The Applicant asserts that his parents, due to old age, are unable to look after the Applicant's wife and would not be in a position to provide her with post-surgical care.

8. Keeping in view the above circumstances, in my view, therefore, the Applicant has been able to make out a case for being enlarged on *Interim* Bail for a period of three weeks from the date of his release.

9. Accordingly, it is directed that the Applicant be released on *Interim* Bail for a period of three weeks in FIR No.356/2021 registered at Police Station: Pul Prahlad Pur, South-East District, Delhi on furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. The Applicant shall not move out of National Capital Region without the prior permission of the learned Trial Court.
- ii. The Applicant shall provide his permanent address to the learned Trial Court. The Applicant shall also intimate the learned Trial Court, by way of an affidavit, and to the IO regarding any change in his residential address.
- iii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the Applicant in a working condition at all times and shall not be switched off or changed by him without prior



intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.

- v. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses or tamper with the evidence of the case while being released on Bail.
- vi. In case the abovementioned surgery of the wife of the Applicant does not take place on 13.03.2024, the Applicant shall duly surrender back to the Jail Superintendent by 14.03.2024.

10. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of *Interim* Bail and shall not be construed as an expression on the merits of the matter. It is further made clear that no further extension of *Interim Bail* shall be granted to the Applicant for any reason whatsoever.

11. The application is disposed of in the above terms.

12. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

13. *Dasti.*

NAVIN CHAWLA, J

MARCH 11, 2024/rv/AS

Click here to check corrigendum, if any