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

+ **BAIL APPLN. 2816/2024**

JATIN

.....Petitioner

Through: Mr. Himanshu Sihag, Mr. J.P. Singh
and Mr. Tushar, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Rajendra Meena, Anti Narcotics
Squad, West Delhi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.11.2024

CRL.M.A. 33148/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.(BAIL) 1813/2024

By way of the present application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner/applicant seeks further extension of interim bail for a period of 15 days in case FIR No. 621/2022 dated 14.09.2022 registered under sections 22/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act') at P.S.: Tilak Nagar, Delhi. The petitioner was first released on interim bail *vide* order dated 21.08.2024, which



interim bail was subsequently extended by various orders, the last being order dated 25.10.2024, by which the petitioner was granted another 05 days to surrender back to custody, by way of abundant accommodation.

2. *Vide* non-surrender report dated 01.11.2024 received from the Jail Superintendent, this court is informed that the petitioner has failed to surrender despite the clear directions of this court.
3. Mr. Himanshu Sihag, learned counsel for the petitioner submits, that though the petitioner was ready and willing to surrender as directed, however when he visited the Surya Laxmi Hospital, Uttam Nagar, New Delhi on 28.10.2024 he was advised “*rest for 10 days*” since his stitches have not yet healed.
4. Learned counsel submits that thereafter, to get a second opinion, the petitioner went to the Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi, where again, he was advised “*rest for 10 days*”.
5. In the circumstances, Mr. Sihag prays, that the petitioner be granted a further spell of extension of interim bail.
6. Mr. Utkarsh, learned APP appearing on behalf of the State has opposed the grant of any further extension of interim bail, submitting that the petitioner’s contention that his stitches have not healed is not borne-out by the medical documents appended to present application; and the petitioner has only been advised rest for 10 days, which cannot be ground for any further extension of interim bail.
7. Learned APP points-out, that the petitioner is already in default of order dated 25.10.2024 since he has not surrendered back to custody till date.



8. In the circumstances, before proceeding further with the present application, the petitioner is directed to surrender back to custody *by tomorrow*.
9. In the meantime, the concerned Medical Officer, Tihar Jail, New Delhi is directed to examine the petitioner and file a medical status report giving their opinion on the present condition of the petitioner's stitches.
10. Let the medical status report be filed before the next date of hearing; with copy to the opposing counsel.
11. Re-notify on 14th November 2024.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 6, 2024

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