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

+ **BAIL APPLN. 4177/2024**

ARSHAD AHMAD

.....Petitioner

Through: Mr Sameer Chandra, Mr Rakesh Shukla, Mr Shubham Parashar and Mr Himanshu Yadav, Advs.

versus

NARCOTICS CONTROL BUREAU & ANR.Respondents

Through: Mr Arun Khatri, Sr. Standing Counsel for NCB with Ms Shelly Dixit, Mr Sahil, Ms Anoushka, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **02.12.2024**

1. This is a petition filed under section 483 read with section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking interim bail for a period of 4 weeks on medical grounds in Case No. VIII/50/DZU/2023, under Sections 8(c), 22 (c) & 29 of NDPS Act, 1985 before the learned SJ (NDPS cases), Patiala House Court, New Delhi.

2. I have gone through the medical status report filed by the Jail Authorities on 28.11.2024 in terms of the order dated 18.11.2024, wherein it is pointed out that since August 2024, the petitioner has been constantly seeing the doctor for his medical treatment. The operative portion of the medical status report dated 28.11.2024 reads as under:

"At present inmate patient is suffering from Seizure Disorder with



post Ictial Amnesia with DNS with right Concha Bullosa [planned for surgery at DDU Hospital], allergic rhinitis with complaint of pain over temporal region, ? Migraine, on and off shortness of breath, decrease sleep, low back ache, for which he is receiving treatment from on duty Doctor/ jail Visiting ENT, Medicine & Orthopedics, Neurology department, GB Pant Hospital, ENT Department, DDU Hospital & Central jail Hospital CJ-03 However, despite treatment, the inmate patient has reported multiple times in recent past at jail dispensary for above mentioned persisting complaints. The definitive treatment for his recurrent persisting complaints of nasal obstruction is DNE surgery to ensure his desired recovery.”

3. A perusal of the medical status report dated 28.11.2024 shows that the definitive treatment of the petitioner is a DNE surgery.
4. Mr Khatri, learned Sr. Standing Counsel for the NCB/respondent agency opposes grant of interim bail to the petitioner on the ground that the petitioner was previously granted interim bail for the same purpose but the petitioner did not undergo the surgery.
5. I am of the view that the medical status report is very recent and gives an exact indication about the condition of the petitioner. It clearly indicates that medical condition of the petitioner is not good and he has been undergoing regular treatment for the same. At present, the petitioner has been advised to get a DNE surgery for his proper treatment.
6. For the said reasons, the petition is allowed and the petitioner is granted interim bail for a period of 4 weeks in Case No. VIII/50/DZU/2023, under Sections 8(c), 22 (c) & 29 of NDPS Act, 1985 before the learned SJ (NDPS cases), Patiala House Court, New Delhi in order to get his treatment



from a private/public hospital and the DNE surgery as suggested, subject to following conditions:

- (i) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- with 01 surety in the like amount, to the satisfaction of the learned Trial Court;
 - (ii) The petitioner shall furnish his permanent address to the concerned Investigating Officer (IO) and in case he changes his address, he shall inform the concerned IO.
 - (iii) The petitioner shall furnish his cellphone number to the IO concerned on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - (iv) The petitioner shall keep the IO informed of his medical condition either through phone or any family member;
 - (v) The petitioner shall not leave Delhi/NCR without permission of the concerned competent Court and if the petitioner has a passport, he shall surrender the same to the concerned Jail Superintendent.
 - (vi) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any;
 - (vii) Upon expiry of the period of interim bail, the petitioner shall surrender before the Jail Superintendent.
7. The petition is disposed of accordingly.
8. A copy of this order be communicated electronically to the concerned Jail Superintendent.



9. The status report handed over in Court today is taken on record.

JASMEET SINGH, J

DECEMBER 2, 2024

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[Click here to check corrigendum, if any](#)