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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4361/2024, CRL.M.A. 35661/2024**

MANITA OKAFOR@ MANITA PRASADPetitioner
Through: **Mr. Arun K Srivastava and Ms. Shaheena Praveen, Advocates.**

versus

CBI EO IIRespondent
Through: **Mr. Anupam S Sharma, SPP/CBI with Mr. Prakash Airan, Advocate.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
28.11.2024

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1. By way of present bail application, the applicant seeks regular bail in RC.No. 2202023E0018 registered under Sections 8 r/w Sections 22/23(C)/29 of the NDPS Act at P.S. E.O.-II, Delhi.
2. Learned counsel for the applicant submits that post dismissal of earlier bail application by this Court on 25.07.2024, fresh circumstances have arisen in the form that the applicant has now been diagnosed as HIV positive as well as having a stone in the gallbladder as well as uterine fibroid. It is further stated that till date charge has not been framed.
3. Bail is opposed by Ld. APP for the State who submits that applicant is in custody only since 13.02.2024 and after consideration her earlier bail was dismissed as withdrawn on 25.07.2024 passed in Bail Appln. 2598/2024.
4. I have heard the learned counsels for the parties and gone through the material on record.



5. Trial Court had requisitioned the medical Status Report of the applicant and the same finds mentioned in the impugned order. Ld. Prosecutor has also referred to the decision of the Supreme Court in State of Meghalaya v. Lalrintluanga Sailo & Anr. reported as **2024 SSC OnLine SC 1751** where in a similar case involving seizure of commercial quantity of substance in a NDPS Act, the release on regular bail solely on the ground of applicant being found HIV positive, was not approved of. The Supreme Court however took into account the Section 34(2) of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 which stipulates that the trial in such cases should be disposed of on priority basis.

6. In view of the above discussions, present bail application is dismissed. However, Trial Court shall take into account the import of decision of the Supreme Court in Lalrintluanga Sailo(Supra).

MANOJ KUMAR OHRI, J

NOVEMBER 28, 2024

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