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

+ BAIL APPLN. 1253/2025, CRL.M.A. 9684/2025
OPA RAM

.....Petitioner

Through: Mr. Amit Alok, Mr. Dheeraj Jani and
Mr. Saurav Prakash, Advocates.

versus

STATE(NCT OF DELHI)

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Mr. Jasvinder Singh, SI, PS-
Special Cell.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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01.04.2025

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks interim bail in the proceedings arising from FIR No. 106/2024 registered under Section 21 of the Narcotic Drugs and Psychotropics Substances Act, 1985 and Section 174 of the Indian Penal Code, 1860,³ registered at P.S., Special Cell, Delhi.
2. The Applicant has been in custody since 5th October, 2024, and seeks interim bail for a period of 4 weeks in order to attend to the medical needs of his wife, who is stated to undergo a spinal surgery.
3. Counsel for the Applicant submits that the Applicant's wife is in a critical medical condition, and requires surgery. In this regard, he submits that the requirement of the surgery has been duly confirmed by the doctors

¹ "BNSS"

² "Cr.P.C."



at Mathuradas Mathur Hospital, Jodhpur. In light of the urgent surgical intervention required by the Applicant's wife, it is contended that the Applicant, being the sole responsible male member of the family, should be granted bail to facilitate his involvement in his wife's pre-operative preparations, financial arrangements, as well as her post-operative care and rehabilitation.

4. The impugned FIR was registered following an intelligence received by the Prosecution regarding the transportation of a contraband in a truck. Acting on this information, one Sarvan Bishnoi was apprehended on the 28th March, 2024, at 7:00 PM, along with a truck bearing registration No. RJ 19-GG-9138. Upon interrogation and search, a total of 10 packets, containing a powdered substance wrapped in brown-coloured tape, were found in the truck's fuse box. A field test conducted on the substance identified it as heroin weighing 10 kilograms. This recovery led to the registration of the impugned FIR and the arrest of Sarvan Bishnoi. During the investigation, the co-accused, Opa Ram (the Applicant), could not be located despite extensive efforts, prompting the initiation of proclamation proceedings against him under Section 82 Cr.P.C. As a result of his continued non-appearance until 8th August, 2024, the Applicant was declared a Proclaimed Offender by the Court. A chargesheet was filed against the accused parties on 18th September, 2024, with Section 29 of the NDPS Act being added.

5. The medical condition of the Applicant's wife has been duly verified, and it has been confirmed that she is suffering from Lumbar Canal Stenosis and is currently undergoing treatment in the Orthopaedic Department at the aforementioned hospital. While the patient has been receiving treatment,

³ "IPC"



there has been no significant improvement, and, as a result, surgery has been advised.

6. Notwithstanding the verification of the medical documentation, Mr. Laksh Khanna, APP for the State, strongly opposes the bail application. He contends that the Applicant's antecedents do not merit any indulgence at this stage. It is brought to the Court's attention that there are as many as 11 cases registered against the Applicant, three of which pertain to offences under the NDPS Act. In response, counsel for the Applicant emphasises that the Applicant has been acquitted in eight of these cases, and has secured bail in the others.

7. Nonetheless, it is stated that the Applicant's application for regular bail was rejected on 10th February, 2025. It is noted that the Applicant has three adult children (one daughter, aged 22 years, and two sons, aged 19 and 20 years) who are sufficiently mature and capable of providing care for their mother (the Applicant's wife). Furthermore, it is noted that the Applicant was apprehended on 4th October, 2024, following his declaration as a proclaimed offender on 8th August, 2024. He, thus, poses a substantial flight risk.

8. For the foregoing reasons, the Court is not inclined to accede to the Applicant's request for grant of bail.

9. Accordingly, the present application is dismissed along with pending application.

SANJEEV NARULA, J

APRIL 1, 2025/nk