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

+ **BAIL APPLN. 4423/2025**

SANJAY

.....Petitioner

Through: Mr. U.A. Khan, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Habib Khan ER-1, Crime

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **18.11.2025**

CRL.M.A. 34223/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the instant application, the applicant seeks grant of interim bail in case arising out of FIR bearing no. 267/2023, registered at Police Station Crime Branch, Delhi for the commission of offences punishable under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter '*NDPS Act*'), on the ground of medical condition of his wife.
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. The learned counsel appearing for the applicant argues that the present applicant was granted interim bail for a period of 10 days *vide* order



dated 09.10.2025, on the ground that the surgery of the applicant's wife was scheduled for 17.10.2025. It is stated that the applicant was released from jail on 13.10.2025 and had taken his wife to Hindu Rao Hospital on 17.10.2025; however, the surgery could not be performed as the Operation Theatre was not available on that day. It is further stated that the applicant again took his wife to the Hospital on 24.10.2025, and the next date of surgery was given as 21.11.2025, after which he duly surrendered. It is contended that the applicant thereafter preferred another bail application before the learned Trial Court, which was disposed of *vide* the impugned order dated 12.11.2025, whereby interim bail has been granted to him for a period of 10 days, but only after the surgery of his wife. It is argued that the applicant's wife is suffering from a cyst in her left breast, which is causing her severe pain and requires surgical intervention. It is further submitted that there is no one in the applicant's household to take care of his wife, as he has six minor children and no other family member is available to attend to her. Accordingly, it is prayed that the applicant be released on interim bail for one month, and prior to the date of the scheduled surgery.

6. The learned APP for the State, on the other hand, opposes the grant of interim bail to the applicant. It is argued that the applicant has repeatedly sought interim bail on the same ground, i.e. the proposed surgery of his wife. It is submitted that he was earlier granted interim bail on 09.10.2025 by the learned Trial Court for the surgery scheduled on 17.10.2025; however, despite the surgery not taking place on the said date, the applicant did not surrender immediately thereafter and surrendered belatedly, i.e. only after 25.10.2025. It is contended that the learned Trial Court, after taking note of the conduct of the applicant, has passed the impugned order dated



12.11.2025, *vide* which he has already been granted interim bail on the same ground for a period of 10 days.

7. This Court has **heard** the submissions addressed on behalf of the applicant as well as the State and has perused the case file.

8. In the present case, this Court notes that the medical documents indicate that the applicant's wife has been suffering from severe pain in her left chest for about 3-4 months. Upon medical examination, it was noted that "there is a SOL at the 8 o'clock position with well-defined margins and a homogeneous internal echo pattern, measuring 17 × 18 mm," and the doctor has opined that surgery is required.

9. Further, upon perusal of the report dated 12.11.2025 filed by the I.O., it is noted that the surgery of the applicant's wife is scheduled for 21.11.2025 at Hindu Rao Hospital, and the said fact stands duly verified by the State.

10. This Court further notes that the applicant has six minor children who are incapable of taking care of his wife, and there is no other family member available to attend to her needs. Accordingly, the presence of the applicant is required to take care of his wife.

11. Therefore, considering the facts and circumstances of the present case and the fact that the surgery of the applicant's wife is scheduled for 21.11.2025, this Court is inclined to grant interim bail to the applicant for a period of 10 days, on the same terms and conditions as imposed by the learned Trial Court *vide* order dated 12.11.2025; *however*, the applicant may be released two days prior to the scheduled surgery of his wife.

12. Accordingly, the present application stands disposed of in the above terms.



13. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.
14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 18, 2025/ns
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