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

+ **BAIL APPLN. 4828/2024**

ARSHAD AHMAD

.....Petitioner

Through: Mr. Aditya Aggarwal, Mr. Naveen Panwar, Mr. Manas Agarwal & Mr. Vineet Chawla, Advocates.

versus

NARCOTICS CONTROL BUREAU

.....Respondent

Through: Mr. Arun Khatri, Sr. SC, Ms. Shelly Dixit & Mr. I. Sebastian, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

10.01.2025

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1. The present Bail Petition under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the Petitioner seeking extension of Interim Bail granted *vide* Order dated 02.12.2024 for a period of four weeks on medical grounds w.e.f. 02.01.2025 in Case No. VIII/50/DZU/2023 under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

2. It is submitted that the Petitioner has been diagnosed with the neurological abnormalities along with “*Seizure Disorder*” and he is required urgent surgery for Sinusitis, but the same cannot be conducted as he is not fit to undergo said surgery because of seizure attack. The Petitioner is being treated and had even been admitted in Intensive Care Unit (ICU), but the Seizure attack could not be controlled.

3. It is also submitted that the Petitioner is an innocent person who is a victim of circumstances. He has deep roots in the society and has no previous criminal record. He is suffering from neurological problem and



Sinus Stage V which has now developed into Sinusitis and the same requires surgical intervention.

4. **Issue notice.**

5. Mr. Arun Khatri, learned Senior Standing Counsel appearing on advance notice, accepts notice on behalf of the Respondent.

6. **A detailed Status Report** along with the Reports of the Doctor has been handed over today in the Court on behalf of the Respondent, wherein it has been stated that the Petitioner is an accused of the heinous crime of Drug Trafficking and 50.95 grams of MDMA/Ecstasy was recovered from him on 25.10.2023. FIR Case No. VIII/50/DZU/2023 under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 has been registered against him.

7. It is further submitted that on 21.12.2024, the Petitioner was admitted to Mata Chanan Devi Hospital, Janakpuri, Delhi and his medical records were got verified from the Hospital, wherein it was stated that the Petitioner had declined the hospital admission despite having a history of seizure at home. However, no such seizure episodes were experienced while the Petitioner was in the Hospital. Moreover, the Petitioner had refused further investigation and expert opinion, because of which the disease from which he is suffering, could not be confirmed.

8. It is also submitted that the Letter dated 21.12.2024 was sent to Aadhya Hospital from where a Response dated 24.12.2024 was received which stated that the MRI of the Petitioner was done which reflected no abnormality of the Brain. Further, verification of the medical condition of the Petitioner was obtained from Aadhya Hospital on 03.01.2025 and Response dated 03.01.2025 was received from the Hospital, wherein it was



indicated that there is no urgency at the moment and his condition can be managed with oral antiepileptic treatment at home.

9. It is submitted in the Status Report that from the various Medical Reports and the documents, the current medical condition of the Petitioner is not clear and no investigation *qua* the serious medical condition of the Petitioner is attached with the Application. Moreover, the medical documents do not show any complication and there are no exceptional circumstances.

10. Thereafter again, the Verification Letter dated 08.01.2025 was sent by the Respondent to the Mahindru Hospital, wherein the opinion from the said Hospital had been sought, to which the Response dated 08.01.2025 had been received, wherein the Petitioner was stated to be admitted in ICU. It has been reported by the Doctor that currently, the Petitioner came to the Hospital in post ictal phase, post seizures at home. During admission, the Petitioner was reviewed by ENT Doctor and diagnosed with “*deviated nasal septum*”, which would require surgery in future. Currently, the Petitioner will be treated for seizures only. No surgery was currently advised and there was no emergency.

11. Today, learned counsel for the Petitioner has submitted that the Petitioner was discharged from Mahindru Hospital on 09.01.2025 and thereafter, got admitted in Aadhya Hospital, wherein again, he is admitted in ICU and the Emergency Card of the said Hospital has been produced today, according to which, though it is recommended that the Petitioner may be admitted to ICU but has been referred to ENT Department.

12. **Submissions heard and the documents perused.**

13. From all the documents and the reports, it emerges that the Petitioner



is suffering from Seizures and is being treated conservatively through medication. As per the medical records, there is no hospitalisation for treatment of Seizures, is required.

14. The second complication of the Petitioner, being asserted, is of “*Deviated Nasal Septum*” and of “*Sinusitis*”. Again, from the medical records which have been handed over today in the Court, it is evident that no immediate surgery is required and the same is also not recommended on account of the Petitioner being the patient of seizures.

15. Learned counsel for the Petitioner submits that today the date for surgery of the Petitioner shall be given by Aadhya Hospital.

16. However, considering the Medical Reports and the documents, there is no requirement of further extension of bail.

17. It is hereby clarified that in case the Petitioner’s hospital for better treatment is required, the Jail Authority is directed to immediately make the same available.

18. In view of above, there is no ground for extension of Interim Bail granted *vide* Order dated 02.12.2024. Accordingly, the Petition is dismissed.

19. The Petitioner is directed to surrender before the concerned Jail Superintendent by tomorrow i.e., 11.01.2025.

20. The Status Report along with medical reports and documents handed over today in the Court on behalf of the Respondent is taken on record.

NEENA BANSAL KRISHNA, J

JANUARY 10, 2025

S.Sharma