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

+ **CRL.M.C. 9340/2025 & CRL.M.A. 38989/2025**

STATE NCT OF DELHI

.....Petitioner

Through: Mr. Akhand Pratap Singh (SPP), Ms.
Lisa Pegwal, Mr. Mayank, Advocates
with SI Sailesh (Spl. Cell)

versus

TUSHAR GOYAL

.....Respondent

Through: Mr. Avadh Bihari Kaushik, Mr.
Rishabh Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

31.12.2025

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1. This petition has been filed by the State for setting aside the impugned order dated 23rd December 2025 passed by the Special Judge (NDPS)-02, Central District, Tis Hazari Courts, Delhi arising out of FIR No.455/2024 registered at PS Special Cell under Sections 8(C)/20/21/22/25/27(A)/29 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**') and Sections 238(B)/209 of *Bharatiya Nyaya Sanhita*, 2023.
2. Respondent/accused was apprehended with a large recovery of contraband and the FIR was registered.
3. Counsel for petitioner states that interim bail application was filed on 8th December 2025 on the basis that the mother of the respondent/accused was to undergo a surgical process. The medical documents were verified by the State and were presented before the Court on 11th December 2025. However, it is stated that the application was withdrawn.
4. A fresh application was then filed on 16th December 2022 and taken up on 18th December 2022 and then again on 22nd December 2022.



5. On 22nd December 2022, counsel appearing for the State stated that they have not received notice of the interim bail application and, therefore, sought an adjournment. Considering the circumstances and submissions of the parties, the Trial Court, on the basis of the previous verification of the medical documents and on humanitarian grounds, granted interim bail for a period of one day.

6. When the matter came up on 23rd December 2025, it was stated by the accused that he was not released from the Judicial Custody on 22nd December 2025 and, therefore, his mother could not be taken to the hospital and now, having been released, would take his mother to the hospital for requisite treatment. An objection was taken by counsel for State that they have not been able to get the medical documents verified and, therefore, should be given some time for the same, and a fresh interim bail application ought to be moved by the accused.

7. The Court, however, stated that there was no need for a fresh interim bail application, and considering the medical condition, interim bail was extended till 3rd January 2026 on the same terms and conditions.

8. Counsel for State has an objection to this extension of interim bail till 3rd January 2026, as they have now been able to cross-check the medical records from *Max Hospital* and a different story emerges.

9. Communication with the Hospital dated 30th December 2025 has been handed up to the Court. *Max Hospital* states that there has been no OPD visits by the patient i.e. the mother of the accused since 22nd December 2025 and the patient is not admitted in the *Max Hospital* and did not come to OPD for follow any up. It is, therefore, stated that the statement of the accused may not be correct in relation to the medical condition of the mother.



10. Counsel for respondent, in response, states that the mother was taken to *Max Hospital* on 28th December 2025 and 29th December 2025 and the hospital gave them an estimate of around *Rs.8 Lacs*, which they could not arrange, and now the patient is admitted in *Kalra Hospital, Rajouri Garden, Delhi*. She is now under observation and a fresh date of surgery will be given.

11. Medical documents to that effect are handed over to counsel for State. It would be appropriate if the said documents are also verified and the report be presented before the Trial Court on 3rd January 2026.

12. Counsel for State contends that the reply was filed before this Court last night only and these aspects have not been stated in the reply.

13. These issues may not require consideration of this Court at this stage, considering the interim bail has been extended only till 3rd January 2026. Parties can present their cases before the Trial Court on 3rd January 2026, which will consider the bail application on its own merits and in accordance with law.

14. Needless to state, the Trial Court shall consider the objections of the State with respect to these series of events and assess whether the *bona fides* of the accused are genuine or not in moving this interim bail application.

15. Petition stands disposed of. Pending application is rendered infructuous.

16. Order be uploaded on the website of this Court.

**ANISH DAYAL
(VACATION JUDGE)**

DECEMBER 31, 2025/ak/bp