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

+ **BAIL APPLN. 1090/2026**

RAJ KUMAR PRASAD

.....Applicant

Through: Mr. Nishant Nain, Mr. C. Yadav,
Ms. Charu Sharma and Ms. Riya
Jain, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with Ms. Vanshika Singh and
Mr. Bhanu Pratap Singh, Advs.
SI- Mukul Yadav, PS: Keshav
Puram

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **09.04.2026**

CRL.M.(BAIL) 555/2026

1. At the outset, learned counsel for the applicant submits that he does not wish to press the present application and instead wishes to only submit *qua* the application seeking regular bail filed by the applicant.

2. As such, the present application is dismissed as withdrawn.

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3. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in proceedings arising out of FIR No.537/2025 dated 01.09.2025 registered under *Sections 20/25/29* of the Narcotic Drugs and Psychotropic Substances Act, 1985 (**NDPS Act**) at PS: Keshav Puram.

4. Briefly put, as per prosecution, on 01.09.2025 at around 12:40 PM,



the police on patrol duty intercepted one *Scooty TVS Ntorq* No.DL11N7924 (***Scooty***) ridden by two boys on the Main Road, Keshav Puram, Delhi and recovered approximately 21kg of *Ganja* therefrom. The aforesaid FIR was accordingly registered against the said two boys. During the course of investigation, the applicant herein, being the uncle of one of the said two boys and the registered owner of the said Scooty was taken into judicial custody on 03.09.2025.

5. Learned counsel for the applicant is primarily seeking regular bail as per the medical condition of the applicant, which is supported by the Medical Status Report dated 15.12.2025 filed by the prosecution before the learned Trial Court, as also the latest Medical Status Report dated 25.03.2026 before this Court and other supporting medical documents of the applicant filed herein. Based thereon, he submits that the applicant is suffering from serious medical ailments, as he is a patient of Human Immunodeficiency Virus (***HIV***)/ Acquired Immune Deficiency Syndrome (***AIDS***) and Tuberculosis and requires continuous medical care and supervision. He has further drawn the attention of this Court to order dated 11.04.2022 passed by the Hon'ble Supreme Court in SLP (Crl.) No.2225/2025 entitled '***Bhawani Singh vs. State of Rajasthan***' and order dated 29.02.2024 passed by the High Court of Orissa in BLAPL No.434/2024 entitled '***"B" vs. State of Odisha***' wherein the applicants therein, also being HIV/ AIDS patients, were granted bail on similar grounds. He lastly submits that even otherwise, the applicant has no involvement with the alleged offence and was neither present at the scene of recovery, nor has any recovery been effected from him at a later point of time.



6. *Per contra*, learned APP for the State, relying upon the Status Report handed over in Court today and taken on record, submits that the offence involved is grave and serious, especially since a commercial quantity of contraband, being 21kg of *Ganja* was recovered from the Scooty in the name of the applicant showing a direct nexus. Further, since the co-accused persons have previous antecedents under the NDPS Act, as also since efforts are being made to trace the source of the contraband which are likely to be hampered if the applicant is released on bail, the present application is liable to be dismissed.

7. Heard.

8. Since the main ground for seeking regular bail of the applicant revolves around his chronic medical condition, the latest Medical Status Report dated 25.03.2026, which is of utmost relevance, is reproduced as under:

“As per available records, it is hereby submitted that the inmate patient admitted in Tihar CJ-04 on 03/09/2025, wherein his medical examination was done by the duty doctor. In medical examination inmate patient gave alleged history of TB potts spine (05 years ago taken treatment for 06 months), pulmonary TB 02 years ago (taken treatment for 06 months) alleged history of PLHA for last one and half year and Asthma for 06 years, for which he was advised to review in OPD/ ART centre.

It is submitted that later inmate patient was confirmed for his PLHA status from jail dispensary and continuing regular follow-up and treatment with ART clinic at Central Jail Hospital CJ-03 apart from providing appropriate medical Diet through jail dispensary.

Earlier during 16/09/2025 to 21/09/2025 and latest during 30/12/2025 to 02/01/2026 inmate patient remained admitted at DDU Hospital under department of medicine for his



complaint of recurrent shortness of breath with fever with final diagnosis of Pulmonary Koch's with ?reactivation with right sided Pneumonia/ LRTI with Type-II RF (resolved)/ PLHA (on ART).

It is further submitted that inmate patient is under, regular follow-up from ART Centre Central Jail Hospital, Department of Medicine, DDU Hospital and jail visiting Medicine specialist for all his respiratory symptoms and is receiving appropriate treatment. Latest on 17/03/2026 inmate patient was examined by jail visiting Medicine specialist and received proper treatment advice.

At present inmate patient is Hemodynamically stable though suffering from multiple comorbidities and receiving applicable medical support through jail dispensary.

This is for your kind information and onwards submission to the Hon'ble Court."

9. As evident from the aforesaid, and the various medical documents filed herein, the applicant has indeed been suffering from various serious and chronic ailments since a considerable amount of time. As such, he requires consistent observation, supervision, analysis and medication. All these call for a high level of care and treatment, and which the applicant is unlikely to receive in the environment of a Jail, especially which is overburdened in the present case to provide continuous attention and care to the applicant therein. Notably, this Court is also told that the applicant contracted HIV/ AIDS while he was facing incarceration.

10. Further, though the applicant is an accused in a serious offence, this Court cannot lose sight of the fact that at the end of the day, the applicant is a human being, who is a patient suffering from HIV/ AIDS. The applicant has every right to breathe fresh air and receive due care in a precautionary environment for leading his life with dignity.



11. This Court, in view of the aforesaid as also following the decision of the Hon'ble Supreme Court in ***Bhawani Singh (supra)*** and what has been held by the High Court of Orissa at Cuttack in this regard in the case of ***"B" (supra)***, in the facts and circumstances involved, this Court is of the considered opinion that taking a humanitarian view, and without advertent to the other issues on merits, it is appropriate to grant the applicant regular bail.

12. Accordingly, the present application is allowed and the applicant be released on regular bail in FIR No.537/2025 dated 01.09.2025 registered under Sections 20/25/29 NDPS Act at PS: Keshav Puram upon him furnishing a personal bond in the sum of Rs.20,000/- [*Rupees Twenty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:-

- i. Applicant shall not leave the State of Uttar Pradesh without prior permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.
- ii. Applicant shall surrender his passport, if any, to the IO, within three days.
- iii. Applicant shall appear before the learned Trial Court as and when required.
- iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times



and setting for location be kept on at all times.

v. Applicant shall report to the IO at nearest PS where he is residing once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.

vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

13. Accordingly, the present application is allowed in the aforesaid terms.

14. Copy of this order be sent to the concerned Jail Superintendent for information and compliance thereof.

15. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J

APRIL 9, 2026/Ab