

**IA25/26 SC21/25
FIR320/24
STATE v. MOHD. ANAS
PS Special Cell**

14.07.2026

Present: Sh. Rajesh Kumar, Ld. Addl. PP for the State.
Sh. Sumit Sharma, Ld. Counsel for
applicant/accused.

Vide my separate order of even date, the present application, seeking grant of interim bail stands allowed.

The application stands disposed of accordingly. Copy of this order be given *dasti*. Copy of this order be sent to Jail Superintendent, Tihar Jail for necessary intimation to the applicant/accused.

**(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
14.07.2026/p**

**IN THE COURT OF JITENDRA PRATAP SINGH
ADDL. SESSIONS JUDGE /SPECIAL JUDGE (NDPS),
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

IA25/26 SC21/25

FIR320/24

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ORDER

1. By this order, the second application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, read with Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on behalf of accused Mohd. Anas, seeking interim bail for a period of two months on account of the medical condition of his father, is being decided.

2. It is submitted by Ld counsel for applicant/accused that there is no other application seeking similar relief is pending before the Hon'ble Supreme Court of India, Hon'ble High Court of Delhi or any other court.

3. It is stated in the application that the applicant has been in judicial custody since 28.07.2024. His father, namely Mohd. Azam, is suffering from a right-sided inguinal hernia as well as an ailment of the right eye. It is submitted that the father of the applicant was admitted to P.L. Sharma District Hospital, Meerut, from 18.05.2026 to 23.05.2026 on account of pain and was discharged with advice to undergo surgery at the earliest. It is further stated that the applicant's father requires assistance for

arranging the treatment, admission in the hospital and post-operative care.

4. Learned counsel for the applicant has argued that there is no other effective male member in the family who can undertake the necessary arrangements for the treatment of the applicant's father. It is submitted that the mother and two younger sisters of the applicant observe *purdah* and cannot reasonably be expected to independently attend to all the requirements connected with hospitalisation and surgery. The younger brother of the applicant is stated to be occupied in arranging funds for the treatment. It is accordingly argued that the physical presence of the applicant is necessary for arranging the surgery, completing the hospital formalities and taking care of his father during the immediate post-operative period.

5. Learned counsel has further submitted that the applicant has remained in custody for a substantial period and has not earlier been granted interim bail even for a single day. It is urged that the present prayer is limited in nature and is not based upon the merits of the prosecution case. It is on these grounds that the interim bail has been sought.

6. The application has been opposed by the learned Additional Public Prosecutor for the State. It is submitted that the earlier application seeking interim bail on similar grounds was dismissed by this Court on 25.03.2025 and that no material change in circumstances has been shown. It is further submitted

that the regular bail application of the applicant was dismissed as withdrawn by the Hon'ble High Court of Delhi on 30.03.2026.

7. Learned Additional Public Prosecutor has also submitted that the allegations against the applicant relate to his participation in a drug syndicate involved in procuring and supplying psychotropic substances. The recovery involved in the present case is of commercial quantity and the charges have already been framed. It is submitted that it is reasonable to apprehend that the accused/applicant may abscond or attempt to influence witnesses or tamper with the prosecution evidence in case he is released.

8. The Ld. Addl. PP has further relied upon the verification report filed by the IO during the proceedings to contend that the father of the applicant is residing with his wife, two adult daughters and an adult son, who are available to look after him. It is also pointed out that no specific date has yet been fixed for the surgery relating to the inguinal hernia. On these grounds, dismissal of the application has been prayed for.

9. I have heard the rival submissions and have perused the record.

10. At the outset, it is necessary to note that the present application is for temporary release on a medical and humanitarian ground. The Court is, therefore, not required at this stage to undertake a detailed examination of the evidence concerning the alleged recovery, the applicant's alleged role in

the drug syndicate or the objections relating to compliance with the provisions of the NDPS Act.

11. On directions of the Court, the medical documents concerning the applicant's father have been duly verified by the investigating agency and a report has been filed by the IO on 13.07.2026. The report received from P.L. Sharma District Hospital, Meerut, confirms that Mohd. Azam, father of the applicant was admitted to the hospital on 18.05.2026 with complaints of abdominal pain and remained admitted until 23.05.2026. He was diagnosed with a right-sided inguinal hernia and was discharged, at his request, with advice to undergo surgery at the earliest.

12. Dr. Veer Singh, Consultant Surgeon, has clarified in the verification report that although inguinal hernia is ordinarily a common medical condition, complications may sometimes arise requiring emergency surgery. It has specifically been advised that the operation should not be delayed. The doctor has further stated that after the operation the patient would require at least one month for recovery, that the presence of a caretaker would be necessary and that complete recovery may take approximately one and a half to two months.

13. The record also shows that the applicant's father is suffering from cataract and that the cataract surgery has been fixed at Sardar Vallabh Bhai Patel Hospital, associated with LLRM Medical College, Meerut, for 15.07.2026. Thus, even though a definite date for the hernia operation has not yet been

fixed, the medical requirement of treatment and surgical intervention cannot be said to be imaginary or unsupported by the record.

14. The nature of assistance required by the father of the applicant in view of his medical condition in the present case is not confined to the applicant remaining physically present beside the patient. The family may also be required to arrange funds, obtain medical opinions, complete admission and consent formalities, coordinate between hospitals, arrange medicines and blood, if required, and provide support during the immediate post-operative period. The contention that the applicant's brother is occupied in arranging funds and that the female members of the family may face practical difficulties in independently undertaking all such arrangements cannot be rejected altogether.

15. It is also relevant that the condition of the applicant's father is supported by verified government hospital records. The treating surgeon has advised an early operation and has confirmed the need for a caretaker. The cataract surgery is fixed for 15.07.2026. The medical reports now placed before the Court are therefore more specific and immediate than a general plea based merely upon old age or an unspecified illness.

16. The fact that an earlier interim bail application was dismissed on 25.03.2025 does not create an absolute bar against considering a subsequent application. A successive application may be entertained where the circumstances have materially developed or where fresh medical material shows a present and

genuine requirement. The applicant's father was admitted to the hospital in May 2026, was diagnosed with a right-sided inguinal hernia, and was advised surgery without delay. The cataract surgery has also now been assigned a date. These developments constitute fresh circumstances requiring independent consideration.

17. At the same time, considering the gravity of allegations, the Court is of a view that the period of two months sought in the application appears excessive at this stage. In the opinion of the Court, a period of three weeks would be sufficient to enable the application to provide immediate assistance to his family and to make the necessary arrangements. The applicant cannot claim release for the entire period of the father's recovery as a matter of right.

18. Balancing the rival interests, this Court is of the considered view that the applicant may be granted interim bail for a limited period of three weeks on stringent conditions.

19. Accordingly, accused Mohd. Anas is admitted to interim bail for a period of **three weeks from the date of his actual release**, subject to his furnishing a personal bond in the sum of **Rs.50,000/- with one surety of the like amount**, to the satisfaction of the Court, and subject to the following conditions:

a. The applicant shall furnish his complete residential address and active mobile number to the Investigating Officer before his release and shall not change either without prior intimation to the Investigating Officer and this Court.

- b. The applicant shall remain available on the mobile number furnished by him at all times during the period of interim bail.
- c. The applicant shall report to the Investigating Officer through a video call once every alternate day between 10:00 a.m. and 12:00 noon.
- d. The applicant shall not leave the territorial limits of Delhi and Meerut, Uttar Pradesh, during the period of interim bail except with prior permission of this Court.
- e. The applicant shall use the period of interim bail only for making arrangements for and attending to the medical treatment of his father.
- f. The applicant shall not contact, threaten, induce or influence any prosecution witness and shall not directly or indirectly communicate with any co-accused without prior permission of the Court.
- g. The applicant shall not tamper with the prosecution evidence or engage in any unlawful activity during the period of interim bail.
- h. The applicant shall not apply for or obtain any passport or travel document during the period of interim bail. In case he already possesses a passport, the same shall be surrendered before the Court prior to his release, if not already deposited.
- i. The applicant shall provide to the Investigating Officer copies of the medical record relating to the treatment, admission or surgery of his father during the period of interim bail.
- j. The applicant shall surrender before the concerned Jail Superintendent on the expiry of three weeks from the date of his actual release, by 5:00 p.m., without awaiting any further order from this Court.

20. It is made clear that any violation of the above conditions shall render the interim bail liable to cancellation. The prosecution shall also be at liberty to move an appropriate application in case the applicant misuses the liberty granted to him.

21. Nothing stated in this order shall be construed as an expression of opinion on the merits of the prosecution case.

22. The application under Section 483 BNSS, 2023 moved on behalf of applicant/accused for grant of interim bail is accordingly disposed of as allowed.

23. Copy of this order be given dasti to both sides and also be sent to Jail Superintendent concerned for information and compliance.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
14.07.2026/p