

IA 13/2026 SC No. 167/2025

FIR No. 04/2025

PS Special Cell

U/S 18/29 NDPS Act read with Sections 336(3)/340(2) BNS

State v. Kailash

28.07.2026

Present: Sh. Rajesh Kumar, Ld. Addl. PP for the State.
Sh. Shubham Raj Anand, Sh. Braj Raj Sharma and
Sh. Naman Kumar Thakur, Ld. Counsels for
applicant/accused Kailash.

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
28.07.2026/p

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

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ORDER

1. Vide this order, I shall dispose of the application filed under Section 483 BNSS on behalf of the applicant/accused Kailash seeking interim bail for a period of four weeks on the ground of the serious cardiac condition of his aged mother.

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. Learned counsel for the applicant submits that the applicant's widowed mother, aged about 68 years, is suffering from serious cardiac ailments and has been advised surgical intervention. It is submitted that the applicant was earlier granted interim bail for ten days vide order dated 08.06.2026, which was subsequently extended by the learned Vacation Court for two weeks. However, the surgery scheduled during the said period could not be performed as the patient was not found medically fit at that time. The applicant thereafter surrendered before the jail authorities within the stipulated period and did not misuse the

liberty granted to him. The surgery has now been scheduled for 28.07.2026 and the applicant's presence is required for hospitalization, arranging medicines and providing post-operative assistance.

4. Learned Additional Public Prosecutor for the State has opposed the application, emphasizing the gravity of the allegations and the recovery of 3.300 kg of opium from the applicant, besides the total recovery of 30.696 kg in the case. It is submitted that the applicant has already availed interim bail on two earlier occasions and that his mother's surgery was not performed during those periods.

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

6. The allegations against the applicant are serious and involve commercial quantity of contraband having serious repercussions in law. However, the present application is not being considered on the merits of the prosecution case but on a limited humanitarian ground.

7. Admittedly, the medical documents of the mother of the accused have been verified by the investigating agency from Mathuradas Mathur Hospital, Jodhpur. The verification confirms that the applicant's mother is a known case of heart disease. As per the record she is suffering from cardiac pain and has been scheduled to undergo surgery on 28.07.2026. The treating cardiac

team has further recorded that delay in surgical intervention may increase the risk of serious cardiovascular complications, including cardiac arrest. Thus, the medical ground urged by the applicant stands independently verified by the prosecution itself.

8. The record also reflects that the applicant surrendered on 05.07.2026 in compliance with the previous order. No allegation has been made that he attempted to abscond or to influence any witness or otherwise misused the liberty granted to him. The earlier non-performance of surgery appears to have been attributable to the patient's medical condition and not to any deliberate omission on the part of the applicant. His prior compliance provides reasonable assurance that the applicant will surrender upon expiry of the limited period now being granted.

9. Considering the verified date of surgery, the age and serious cardiac condition of the applicant's mother, the need for assistance during hospitalization and the applicant's previous satisfactory conduct, this Court is of the view that a limited period of interim bail would adequately balance the humanitarian circumstances with the concerns of the prosecution.

10. Accordingly, the application is partly allowed. The applicant/accused Kailash is admitted to **interim bail for a period of fourteen days from the date of his release**, subject to 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:

- i. The applicant shall use the period of interim bail solely for the treatment, hospitalization and post-operative care of his mother;
- ii. He shall provide his mobile number and complete address of stay at Jodhpur to the Investigating Officer and shall keep the mobile phone operational throughout the period of interim bail;
- iii. He shall not contact, threaten or influence any prosecution witness or tamper with the evidence;
- iv. He shall not leave India and shall not indulge in any unlawful activity;
- v. He shall furnish to the Investigating Officer the relevant hospitalization and treatment documents upon completion of the surgery; and
- vi. He shall surrender before the concerned Jail Superintendent immediately upon expiry of fourteen days from the date of his release, by **5:00 PM**, without awaiting any further order.

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

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

13. 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
28.07.2026/p