

IA 7/2026 SC 52/26
FIR No. 226/2025
PS: Special Cell
U/s 22/29 NDPS Act
State v. Jas Raj & Anr.

08.06.2026

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Ms. Naina Sharma, Ld. counsel for
applicant/accused Jas Raj.

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
08.06.2026/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 first application moved on behalf of applicant/accused Jas Raj under Section 483 BNSS seeking grant of interim bail for a period of 14 days on humanitarian/medical grounds.

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. The applicant is in judicial custody since 24.08.2025. The present application has been moved on the ground that the minor son of the applicant, aged about 6 years, is suffering from a serious renal condition inasmuch as his right kidney is not visualized/congenitally absent and a stone has developed in his only functioning left kidney. It is submitted that the applicant is required to be present for arranging medical treatment, consultation, monitoring and necessary care of the minor child.

4. It has been submitted by Ld. Counsel for the applicant that the applicant is the father of the minor child and his presence is necessary at this stage as the child's condition is serious. It is argued that the child has only one functioning kidney and the development of stone in the said kidney is a matter of serious concern. It is submitted that any obstruction, infection or complication in the only functioning kidney may expose the child to serious renal consequences. It is further submitted that the mother of the child is unable to single-handedly manage the medical consultations, hospital visits, financial arrangements and other formalities.

5. Ld. Counsel for the applicant has further argued that the applicant is not seeking regular bail on merits through the present application. The prayer is confined to a strictly time-bound release to enable the applicant to attend to his minor son. It is submitted that the applicant undertakes to surrender immediately after expiry of the period of interim bail and is willing to abide by all conditions imposed by the Court.

6. Per contra, Ld. Substitute Addl. PP for the State has opposed the application. It is submitted that the allegations against the applicant are grave. As per the prosecution, on 24.08.2025, on the basis of secret information, a raiding party was constituted and a trap was laid near Metro Pillar No. 55, Vande Mataram Marg, near Army Public School, towards Dhaula Kuan, New Delhi. It is alleged that the applicant Jas Raj and co-accused Thana Ram were apprehended along with one Kia Sonet

car bearing registration No. 25BH5062G. It is further alleged that, upon interrogation and pointing out of the accused persons, four packets wrapped in khaki tape were recovered from under the foot mat on the driver's side of the car and two packets wrapped in khaki tape were recovered from the beam under the driver-side door. The said packets were found to contain crystalline substance which, on testing, was found to be 3.080 kg Methamphetamine.

7. Ld. Substature Addl. PP for the State has further submitted that proceedings under Section 52A NDPS Act were conducted and samples were sent to FSL, Rohini. The FSL result has been received and the exhibits have been found to contain Methamphetamine. It is further submitted that the charge-sheet against accused Jas Raj and Thana Ram has already been filed on 07.02.2026. It is argued that the recovered quantity is commercial quantity and the offence is grave in nature.

8. The prosecution has further submitted that the documents annexed with the application were verified. It is stated in the reply that Dr. Jonu Ram, MBBS, MD (Radiologist), Ambedkar Hospital, Sirohi, Rajasthan, was contacted and he confirmed that the patient Manoj, son of the applicant does not have right kidney and has a stone in the left kidney. However, it is also submitted that no hospital has fixed any date for surgery relating to the kidney stone of the applicant's son as yet.

9. The prosecution has also opposed the application on the ground that, apart from the father of the applicant, the applicant has three brothers. It is submitted that one of them is serving in the Indian Army and the other two brothers, namely Anil aged about 25 years and Trilok aged about 21 years, are residing at home and are capable of looking after and providing necessary care and treatment to the child. It is further apprehended that if released, the applicant may jump bail and abscond.

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

11. At the outset, it is necessary to clarify that the present application is not being considered as an application for regular bail on merits. The Court is not adjudicating upon the alleged recovery, conscious possession, compliance of statutory safeguards or the role of the applicant in the alleged offence. The prayer is confined to interim bail for a limited period on account of the medical condition of the minor son of the applicant.

12. There is no doubt that the allegations against the applicant are serious. The prosecution case involves recovery of 3.080 kg Methamphetamine from the vehicle allegedly connected with the applicant and co-accused. The substance is alleged to be of commercial quantity. The FSL report is also stated to have confirmed that the exhibits contain Methamphetamine. Therefore, the gravity of the offence and the rigour of Section 37 of the NDPS Act cannot be ignored.

13. However, it is equally settled that interim bail on humanitarian or medical grounds stands on a different footing from regular bail. In an application for interim bail, the Court is not required to return a finding that the accused is entitled to regular bail on merits. The Court is only required to consider whether temporary release is justified in view of a pressing humanitarian circumstance and whether the prosecution's interest can be protected by imposing strict conditions.

14. In the present case, the medical condition pleaded is not of a distant relative but of the minor son of the applicant. The child is stated to be only about 6 years of age. The core medical fact relied upon by the applicant has also not been disputed in verification. On the contrary, as per the prosecution's own reply, the radiologist contacted during verification confirmed that the child is congenitally absent of the right kidney and has a stone in the left kidney.

15. This fact is significant. A kidney stone in an otherwise normal situation may not always require immediate surgery. However, when the child has only one functioning kidney, the presence of stone in that solitary functioning kidney assumes greater seriousness. Even if no surgery date has yet been fixed, the condition would reasonably require proper follow-up, paediatric consultation, monitoring and timely treatment. At the age of 6 years, the child cannot be expected to manage such medical needs on his own, and the presence of a parent

competent to take decisions and make arrangements becomes relevant.

16. The objection of the prosecution that no date for surgery has been fixed has been considered. The absence of a fixed date for surgery is a relevant consideration and for that reason this Court is not inclined to grant any long period of interim bail. However, the objection cannot be said to be sufficient to defeat the prayer of the applicant. The purpose of interim bail appears to enable the applicant to arrange specialised consultation, obtain further investigation, take a final medical opinion, manage admission or follow-up and make arrangements for the child's treatment. In the facts of the present case, a short release of 14 days would be sufficient to enable the applicant to discharge such immediate parental duties.

17. The further objection that other relatives are available has also been considered. Availability of other relatives may be a relevant factor, but it cannot always be decisive. A minor child's medical condition, especially involving a solitary functioning kidney, is a matter where the presence of the father may be legitimately required. The Court cannot proceed on the assumption that because uncles are available, the father must be denied even a short opportunity to attend to his minor child. The issue has to be examined not only from the angle of physical availability of relatives, but also from the standpoint of parental responsibility, consent, emotional support and medical decision-making.

18. Be that as it may, the seriousness of the offence and the prosecution's apprehension cannot be brushed aside. The applicant cannot be granted a long period merely on general humanitarian grounds. A short period of 14 days, subject to stringent conditions, would balance the medical need of the minor child with the interest of the prosecution.

19. In view of the aforesaid facts and circumstances and considering that the relief is being restricted to a short period of 14 days only, this Court is inclined to allow the application.

20. Accordingly, the application is allowed. Applicant/accused Jas Raj is admitted to interim bail for a period of 14 days from the date of his actual release, subject to furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety in the like amount to the satisfaction of the Court/ Ld. Link Court/ Ld. Duty Judge, and subject to the following conditions:

- i. The applicant shall be released on interim bail for a period of 14 days only from the date of his actual release.
- ii. The applicant shall surrender before the concerned Jail Superintendent immediately upon expiry of 14 days from the date of his actual release.
- iii. The applicant shall furnish his mobile number to the IO and shall keep the same operational at all times during the period of interim bail.
- iv. The applicant shall share his live mobile location with the IO, if so directed by the IO.

- v. The applicant shall not leave the State of Rajasthan except for the purpose of attending to the medical needs of his minor son and for no other purpose.
- vi. Before leaving Delhi, the applicant shall inform the IO in writing/through WhatsApp about the date and time of departure, mode of travel, place of stay in Rajasthan and expected date of return.
- vii. The applicant shall not visit any place other than his residence, the hospital/clinic concerned and such other place as may be necessary for the medical treatment of his minor son.
- viii. The applicant shall not contact, threaten, induce or influence any witness or any person acquainted with the facts of the case.
- ix. The applicant shall not contact the co-accused or any person allegedly involved in the present case.
- x. The applicant shall not tamper with evidence or indulge in any offence during the period of interim bail.
- xi. The applicant shall place on record, at the time of surrender or on the next date fixed before this Court, copies of the medical papers/treatment record of his minor son pertaining to the period of interim bail.
- xii. The applicant shall also file a short affidavit at the time of surrender disclosing the places visited by him during the period of interim bail.

21. It is clarified that this order shall not be treated as an expression on the merits of the case. The observations made herein are only for the purpose of deciding the present

application seeking interim bail on humanitarian/medical grounds.

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
08.06.2026/p