

**IN THE COURT OF SH. SUDHANSHU KAUSHIK :  
SPECIAL JUDGE (NDPS)/ADDITIONAL SESSIONS JUDGE :  
WEST DISTRICT : TIS HAZARI COURTS : DELHI**

CNR No.DLWT01-000171-2021  
SC No.45/2021  
State Vs Sandeep Khanna @ Deva  
U/s 20 NDPS Act  
FIR No.946/2020  
PS Rajouri Garden

31.03.2021

This is an application filed under Section 439 Cr.P.C on behalf of accused Sandeep Khanna @ Deva seeking interim bail.

Present: Sh. Balbir Singh, Addl. Public Prosecutor for State.  
IO/ASI Subhash in person.  
Sh. Sunil Khanna, Counsel for accused Sandeep Khanna @ Deva.

Fresh reply to the bail application has been filed by the Investigating Officer along with duly verified medical documents of the mother of the applicant/accused. Be taken on record.

Arguments on interim bail application heard.

Counsel for the applicant/accused has argued that accused is innocent and he has been falsely implicated in the present case. He has submitted that accused is in custody since 10.11.2020 and no purpose would be served by keeping him further detained in custody. Counsel has submitted that he is seeking interim bail of accused/applicant on the ground of illness of his mother. He has contended that the mother of the applicant is around 70 years old and she is suffering from various ailments. He has mentioned on 12.03.2021, the mother of the applicant lost her consciousness and fell down and on account of this, she suffered spine injuries. Counsel has submitted that at the time of injury, the mother of the applicant was taken to various hospitals but she could not get admission due to non-availability of bed. He has contended that the concerned doctor at ABVIMS and RML Hospital has given a report that the patient was brought to casualty and she had localized

tenderness at D-12 region. He has submitted that the concerned doctor also opined that the patient was suffering from D-12 fracture but exact diagnosis could not be done as no x-ray/MRI was conducted on that day. Counsel has contended that presently, the mother of the applicant/accused is admitted in Sir Ganga Ram Hospital and spine surgery has been conducted (copies of medical documents have been annexed with the bail application). Counsel has submitted that applicant is the sole earning member in his family and he is shouldering the responsibility of her widow mother, one mentally challenged brother, an unmarried sister and two minor sons. He has contended that the family of the applicant is facing undue hardship on account of his continuous detention. Counsel has mentioned that the presence of applicant is required at the hospital to arrange funds and take care of his ailing mother. On the force of these submissions, counsel has prayed that accused may be released on interim bail.

On the other hand, Addl. Public Prosecutor has opposed the bail application mentioning that accused was found in possession of 5.750 kgs of ganja and releasing the accused would give adverse signal to the society. He has argued that the mother of the applicant is not suffering from any serious ailment and there are other members available in the family to take care of her mother. He has contended that charges in the present matter are yet to be framed and there is strong likelihood that applicant might influence the witnesses, in case, he is released on bail.

I have gone through the record in the light of respective arguments. Applicant/accused has sought interim bail on the ground of illness of his mother. Investigating Officer has verified all the medical documents of the mother of the applicant/accused. Investigating Officer has mentioned in his report that the concerned at ABVIMS and RML Hospital has given report that the patient/mother of the applicant was brought to casualty and she had localized tenderness at D-12 region. The concerned doctor also opined that the patient was suffering from D-12 fracture but exact diagnosis could not be done as no x-ray/MRI was conducted on

that day. Investigating Officer has also verified the medical documents of the mother of the applicant issued by Sir Ganga Ram Hospital where the patient was diagnosed with T12 Osteoporotic Fracture with Asia-D Neurology/Hypertension and T10-L2 Posterior Instrumentation + T12 Bilateral Transpedicular Vertebroplasty + Biopsy Under GA was done. Applicant/accused is stated to be the sole earning member in his family. In view of the facts and circumstances, I am of the considered opinion that the presence of accused/applicant is required at home to take care of his ailing mother. Applicant/accused Sandeep Khanna @ Deva is admitted to interim bail subject to furnishing of a personal bond for a sum of Rs.30,000/- with one such surety of the like amount till 30.04.2021. Applicant is directed to surrender before the concerned Jail Superintendent after expiry of aforesaid interim bail. With these directions, interim bail application stands disposed off.

**(Sudhanshu Kaushik)**  
**ASJ/Special Judge(NDPS)**  
**West District/THC/Delhi**  
**31.03.2021**