

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

The matter is being taken up through Video Conferencing in view of Office Order No.533-617/Admn./PD&SJ/West/2021 dated 13.01.2022 passed by Ld. Principal District & Sessions Judge (West), Tis Hazari Courts, Delhi.

**CNR No.DLWT01-000498-2021
FIR No.301/2019
State Vs Sonu Kumar & Anr.
U/s 21, 29 NDPS Act
PS : Crime Branch**

17.01.2022

File taken up today on an interim bail application filed under Section 439 Cr.P.C on behalf of applicant/accused Sonu Kumar S/o Balram.

Present : - Sh. K.D.Pachauri, Addl. Public Prosecutor for State.
Sh. Deepak Ghai, Counsel for applicant/accused Sonu Kumar.

Reply to the bail application has been forwarded by the Investigating Officer. Be taken on record.

Arguments on interim bail application of applicant/accused Sonu Kumar heard through Video Conferencing.

Counsel for the applicant/accused has argued that applicant is innocent and he has been falsely implicated in the present case. He has contended that applicant is in JC since 05.10.2019 and no purpose would be served by keeping him further detained in custody as charge-sheet has already been put to the court. Counsel for the applicant/accused has submitted that he does not intend to argue on the merits of the present case. He has mentioned that he is seeking interim bail of the applicant on ground of illness of his wife. Counsel has contended that the wife of the applicant is admitted at Metro Hospital, Najafgarh, Delhi. He has mentioned that the wife of the applicant is 16 weeks pregnant and she is suffering from acute bleeding PV and passing clotted blood. He has submitted that wife of the applicant is also suffering from Microcytic Hypochromic Anemia and her condition is critical. Counsel has mentioned that

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the concerned doctor has a strong suspicion that the pregnancy might not survive and abortion would be performed. Counsel has argued that applicant is a poor man with clean antecedent. He has stated that the presence of applicant is required at home/hospital to take care of his ailing wife at this critical time as there is no other male member in the family. Counsel has submitted that applicant is ready & willing to furnish a sound surety or he would be abide by any other conditions that may be imposed upon him by the court. On the force of these submissions, prayer has been made by the counsel that applicant may be released on interim bail for a period of two months.

On the other hand, Additional Public Prosecutor has opposed the bail application mentioning that commercial quantity of Heroin has been recovered from the possession of the applicant. He has contended that all the provisions of NDPS Act have been duly complied with by the investigating agency. He has mentioned that in view of the provisions of Section 37 of NDPS Act, the applicant is not entitled to bail. He has submitted that although, charge-sheet has been put to the court but charges are yet to be framed and releasing the applicant, at this stage, would give wrong signal to the society. Besides this, Addl. Public Prosecutor has argued that the wife of the applicant is not suffering from any life threatening ailment and she is receiving proper treatment at the concerned hospital. He has mentioned that other family members might be available at home/hospital to take care of the wife of the applicant. He has contended that applicant would influence the witnesses, in case, he is released on interim bail.

I have perused the record in the light of respective arguments. Record depicts that the wife of the applicant is admitted at Metro Hospital, Najafgarh, Delhi and she is 16 weeks pregnant. She is stated to be suffering from acute bleeding PV and Microcytic Hypochromic Anemia. Medical documents have been annexed with the bail application. Investigating Officer has duly verified these documents and collected a certificate from the concerned doctor. The concerned doctor has mentioned that the patient is 16 weeks pregnant and

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she is suffering from high grade fever, pain & bleeding PV. The doctor has also mentioned that the patient might suffer abortion on account of Anemia/Pelvic. Without going into the merits of the present case and keeping in view the present pandemic situation and medical condition of the applicant's wife, I am of the considered opinion that presence of applicant is required at home/hospital to take care of his ailing wife. In view of this, applicant/accused Sonu Kumar is admitted to interim bail for a period of 60 days (to be counted from the date of his release) subject to furnishing of a personal bond for a sum of Rs.30,000/- with one such surety of the like amount with conditions that he would not leave Delhi and would not indulge in similar activities. The applicant shall surrender before the concerned Jail Superintendent immediately after expiry of interim bail.

Interim bail application stands disposed off.

(Sudhanshu Kaushik)
Special Judge (NDPS)/
Addl. Sessions Judge (West District),
Tis Hazari Courts, Delhi
17.01.2022