

**IN THE COURT OF SPECIAL JUDGE (ND&PS),
CHURACHANDPUR**

Cril. Misc. (Bail) Case No. 68 of 2026

Ref. DRI Seizure Case No. 06/CL/NDPS/DRI/IMP/2025-26 dated 07.01.2026
u/s 21(c), 23(c), 25, 29 & 60 ND&PS Act, 1985.

Shri Khupjamlal Guite, aged about 46 years, S/o (late)
Ngulzakham, a resident of V. Munhoih Village, New
Lamka, Churachandpur, Manipur.

...Accused/Petitioner

---Versus---

Union of India

Represented by Directorate of Revenue Intelligence,
Imphal Regional Unit, Opposite Soibam Leikai
Community Hall, JNIMS Road, Imphal, Manipur.

...Respondent

For the Accused/Petitioner	: Shri Paulianmung Tonsing, Advocate
For the DRI-Imphal	: Ms. Grace Chiinhoihniang, Special P.P

ORDER

Dated. 17.06.2026

1. The accused/petitioner who is arraigned as accused no. 2 in a case arising out of DRI Seizure Case No. 06/CL/NDPS/DRI/IMP/2025-26 dated 07.01.2026 for having committed offences punishable under section 21(c), 23(c), 25, 29 & 60 ND&PS Act, 1985, has preferred this application under Section 480 BNSS, 2023 praying for bail on medical ground.

2. The application for bail proceeds on the premises that the accused is suffering from urgent severe medical condition that cannot be adequately managed and treated in Judicial custody due to unavailability of necessary medical care at Temporary Prison, Churachandpur which poses a significant risk to his health and well being.

3. As the accused/petitioner seeks to be enlarged on bail, solely on medical grounds, it may not be necessary to note the background facts, elaborately. It may be suffice to note the allegations in the complaint is that the accused person namely, Khupjamlal Guite Guite along with the co-accused Hangkhankap were remanded into Custody on 08.01.2026 on the charge of illegal possession and transportation of commercial quantity of Heroine near Maukot Village along NH-102B, Churachandpur.

4. Consequent upon the filing of the bail application on 04.06.2026, medical report of the accused Khupjamlal Guite was called from the Jailor, Temporary Prison, Churachandpur as the allegations involved unavailability of necessary medical facilities at Temporary Prison, Churachandpur. The Jailor, Temporary Prison, Churachandpur has filed Medical Examination report of the accused at District Hospital, Churachandpur on 11.06.2026.

5. At the onset, the ld. counsel for the accused/petitioner submitted that the accused is suffering from different ailments including Hypertension which requires specialized medical care and monitoring and the same is not

available in Temporary Prison, Churachandpur. Hence, the ld. counsel prays for enlarging the accused/petitioner on bail to further his medical treatment at a Specialized Medical Care Centre within or outside the state.

6. Per contra, the ld. Special P.P NCB submitted that the case involves recovery of commercial quantity of Heroine and as such, the rigours for granting bail u/s 37 of the ND&PS Act is attracted. The ld. Special P.P relying in State of Punjab Vs. Balraj Singh @ Billa (2026) held that the case against the accused person involves supply of drugs which vitally affects the national economy and health of the people and it is akin to waging war against the nation and as such on account of a mere physical ailment, the accused should not be released on bail. a Medical Board may be constituted to look into the medical conditions of the accused/petitioner and till such time, the bail application may be kept pending.

7. I have already heard the ld. counsel for the accused/petitioner and the ld. Special P.P for the state at length. Perused the relevant medical documents of the accused person on record.

7. On perusal of the medical documents of the accused/petitioner filed by the Jailor, Temporary Prison, Churachandpur at District Hospital Churachandpur and Temporary Prison, Churachandpur on 23.02.2026, 23.03.2026, 16.04.2026, 28.04.2026, 29.04.2026, 08.05.2026, 13.05.2026, 19.05.2026, 02.06.2026, 04.06.2026 and 11.06.2026, it is seen that the accused is under constant diagnosis for certain medical complications.

Further, the medical documents also revealed that the B,P of the accused person is 170/100 which indicates Hypertension. It is also revealed from the medical reports of the accused that he has collapsed inside the Jail bathroom on 28.04.2026 and rushed to District Hospital, Churachandpur on account of high B.P which shows a reading of 170/100. It is further revealed from the medical report dated 11.05.2026 that the accused again collapsed unconscious for the second time. The medical report dated 02.06.2026 also revealed the accused was directed to attend Medical Department for further management. The Physician, District Hospital, Churachandpur vide letter dated 11.06.2026 has certified that the accused Khupjamlal Guite is undergoing treatment for systemic hypertension with high cholesterol level and increased blood sugar, and for this, he needs constant vital monitoring and adequate rest and care by attendees and needs constant monitoring and follow check up.

8. In **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav** MANU/SC/0214/2004 : (2004) 7 SCC 528, the Hon'ble Supreme Court held that *"bail on medical grounds can be granted only in exceptional cases where the medical condition is serious, cannot be treated in custody, and necessary facilities are not available in jail"*. The burden to prove such necessity lies on the Accused.

9. In the present case, it is seen from the Medical Report of the accused/petitioner at District Hospital, Churachandpur, that the accused is suffering from different ailments including Hypertension and high cholesterol level with increased blood sugar. It is also evident from the medical report that the accused due to his medical ailments has collapsed

unconscious twice in Judicial Custody. Hypertension/high B.P, increased blood sugar is a serious medical condition even by a layman standard. The provision for bail on medical ground is not found in the statute of ND&PS Act. However, as is the case with exercise of discretion in any matter, discretion for bail on medical ground or humanitarian ground is tenable even though the same is not provided under the ND&PS Proviso. While dealing with an application for bail on medical ground, the Court must pose unto itself the question as to whether the person seeking bail falls within any of the exceptional categories and, if so, whether in the totality of the circumstances, the exercise of discretion would be justifiable. However, it is not every kind of sickness which would justify the grant of bail lest the object behind prescribing stringent conditions in the matter of grant of bail would be frustrated if a person can be released on bail on the ground of sickness irrespective of the degree of seriousness of the ailment.

10. In the ordinary course, while deciding an application for bail on medical grounds, the consideration that the sickness is such that it cannot be adequately or effectively treated in the prison hospital/the medical facility attached to the prison or Government hospital, weighs with the Court. Essentially, the question of sickness, is rooted in the thickets of facts of the given case. Nevertheless, a prisoner cannot be left in the lurch even when he is suffering from a serious ailment for the only reason that his personal liberty is deprived by operation of law, in the present case, by the rigors of Section 37 ND&PS Act.

11. In the case of **Vijay Agrawal Through Parokar vs. Directorate of Enforcement** reported in **2022 SCC OnLine Del 4494** the Hon'ble Delhi High Court, observed as under :

“14. Howsoever serious the offence may be, the health condition of a human being is paramount. The custody during the period of investigation cannot be termed to be punitive in nature. The health concern of a person in custody has to be taken care of by the State and keenly watched by the judiciary. Every person has a right to get himself adequately and effectively medically treated.

15. Article 21 of the Constitution of India not only given a fundamental right to live but the right to live with dignity. Right to live a healthy life is also one of the facets of fundamental rights granted by the Constitution of this Country. The consistent view has been taken that if sufficient treatment is available in the jail then preferably the same should be provided to the prisoners. This Court firmly believes that a person in custody suffering from serious ailment should be given an opportunity to have the adequate and effective medical treatment. The discretion for granting the interim bail on medical ground may not be exercised only at a stage when the person is breathing last or is on the position that he may not survive.”

12. In the result, considering the medical needs of the accused/petitioner Khupjamlal Guite and without considering the merits of the case, I am of the considered opinion that the accused be released on Medical Ground to cater

to his needs for urgent treatment for a limited period of 28 days w.e.f. 17.06.2026 to 14.07.2026 on the following conditions :

- (i) The accused/petitioner Khupjamlal Guite shall be released on interim bail, for a period of 28 days w.e.f. 17.06.2026 to 14.07.2026, on furnishing a P.R. bond in the sum of Rs. 10 Lakh with two sureties, one of whom shall be Government employee of the like amount.
- (ii) The Accused/Petitioner shall get treatment during the interim bail period and shall in no way postponed the treatment which he undertakes to undergo on being released on bail.
- (iii) The Accused/Petitioner shall get the necessary treatment, and submit his treatment report to Court on or before 14.07.2026 without fail.
- (iv) The Accused/Petitioner shall not tamper with the evidence or hold out threats to the prosecution witnesses or lure them in any manner.
- (v) The Accused/Petitioner shall not involve in any criminal activities.
- (vi) On expiry of the interim bail period i.e. on 14.07.2026, the Accused/Petitioner shall surrender before the Court.

Put up the case on 14.07.2026 for surrender of the accused and further proceedings of the bail application.

Inform the concerned I.O of the case and Id. Special P.P, DRI and the Jailor, Temporary Prison, Churachandpur.

(Reena Serto)
Special Judge, ND&PS
Churachandpur.