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via Video-conferencing

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL. A. No.253/2020

OBIANIKA AMOBI CHIJOKE

..... Appellant

Through: Mr. Maninder Singh, Advocate with
Ms. Aekta Vats, Advocate.

versus

STATE (NCT OF DELHI)

.... Respondent

Through: Mr. Rajesh Manchanda, Advocate
with Mr. Rajat Manchanda, Advocate
for NCB.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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09.06.2020

Crl. M.(Bail) No.409/2020 (for suspension of sentence)

Pursuant to last order dated 05.06.2020, status report/reply has been filed on behalf of the respondent/NCB.

Mr. Rajesh Manchanda, learned counsel appearing for NCB opposes suspension of sentence for the appellant, mainly on three grounds : *firstly*, that the conditions required under section 37 of the NDPS Act for grant of bail have not been met ; *secondly*, that the appellant being a foreign national, is a flight risk; and *thirdly*, that even if the appellant is a diagnosed case of HIV+, that is no ground for suspension of sentence since appropriate medication is available to the appellant in prison. Other things apart, Mr. Manchanda states that there is no confirmation on record that the appellant is at all HIV+.

In view of the above submission, let the appellant's medical status report be requisitioned from the Jail Superintendent, specifically addressing whether the appellant is a diagnosed HIV+ case.

List on 12th June 2020.

ANUP JAIRAM BHAMBHANI, J

JUNE 09, 2020

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