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

+ **BAIL APPLN. 1177/2025**

JYOTI

.....Petitioner

Through: Mr. Amit Chadha, Sr. Advocate with
Mr. Sanjog Singh and Mr. Furkan,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State
with SI Rohit, ANTF/Crime Branch

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

13.06.2025

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CRL.M.A. 17869/2025 (for extension of interim bail)

1. The accused/applicant seeks interim bail in case FIR No. 222/2023 of PS Crime Branch for offence under Section 21/25/29 of NDPS Act. The allegation against the petitioner is recovery of 480 grams heroin, which is a commercial quantity. The accused/applicant is already on interim bail granted by the predecessor bench vide order dated 04.06.2025 and she is scheduled to surrender on 15.06.2025.
2. The present application is practically for extension of interim bail, though the relief is worded as grant of interim bail for further period of three months.
3. On behalf of accused/applicant, learned Senior Counsel has taken me through medical status report and it is submitted by him that the



accused/applicant is suffering with a rare kind of cancer, for which the jail dispensary has no treatment and she is being treated at Max Healthcare Hospital. Learned Senior Counsel also submits that out of four cases under NDPS Act, in which the accused/applicant is involved, in three cases she was granted bail while the present one is the fourth case. Learned Senior Counsel also submits that since regular bail application of the accused/applicant is already listed on 04.07.2025, she may be allowed to continue to remain on interim bail till 01.07.2025 and she would certainly surrender on that day.

4. Learned APP strongly opposes the interim bail application, taking me through antecedents of the accused/applicant, who is involved in twenty-nine criminal cases including four cases under the NDPS Act and twenty-five cases under the Delhi Excise Act; and the accused/applicant is already declared Bad Character of the area. That being so, according to the learned APP there is a strong apprehension that if allowed to continue outside jail, the accused/applicant would certainly engage in similar crimes, so the bar under Section 37 NDPS Act plays against her. Lastly, learned APP submits that even while in custody, the accused/applicant can be taken to the hospital of her choice for her treatment.

5. The accused/applicant, being in judicial custody, it is the duty of the State to ensure her well-being and right to good health. But the kind of ailment suffered by the accused/applicant, it is nobody's case that within two or three months she would be free from disease. The medical record of the accused/applicant reflects that she is suffering from Chronic Myeloid Leukemia, which according to the medical literature is a cancer of the kind where survival rate for more than five years is in 90% cases and the survival



rate in youngsters is higher. Besides that, learned Senior Counsel for accused/applicant points out that the accused/applicant is also suffering from diabetes and a few other ailments.

6. The ailment, unfortunately suffered by the accused/applicant is certainly a significant factor but I find substance in the submission of learned Prosecutor that it is not an ailment of temporary kind. The ailment can certainly be taken care of even during her stay in jail. This balance has to be done by the Court keeping in mind the above mentioned antecedents of the accused/applicant, involved in as many as twenty-nine cases, out of which four cases are under the NDPS Act and the remaining are under Delhi Excise Act. I find substance in submission that the rigours of Section 37 NDPS Act cannot be ignored by the Court.

7. Under these circumstances, I am unable to find it a fit case to grant further interim bail to the accused/applicant. The application is dismissed and it is directed that the accused/applicant shall surrender positively on 15.06.2025 as already directed. It is also specifically directed that the jail authorities shall provide the best possible treatment to the accused/applicant and if so desired by her, she would be taken in custody to the hospital(s) of her choice and shall be provided with all the prescribed medicines at the cost of the exchequer, since she would be in custody.

8. As correctly pointed out by learned Senior Counsel for accused/applicant, nothing observed herein shall have a bearing on the merits of the regular bail application of the accused/applicant.

9. At this stage, learned APP submits that the accused/applicant cannot be provided medical treatment at the cost of exchequer since she would be taken to government hospitals for appropriate treatment. I am unable to



accept this submission. For, the only response prescribed by law to crime is curtailment of the criminal liberty and when that is done, the prisoner, be it under-trial prisoner or a convict comes in custody of the State. Medical treatment is also a matter of faith of the patient in the doctor, which has a vital role in recovery, so if the patient wants to be treated by a particular doctor, her/his right should not be curtailed.

GIRISH KATHPALIA, J

JUNE 13, 2025

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Click here to check corrigendum, if any