

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : NDPS Act

Date of hearing and order: December 05, 2008

Bail Application No.2430 /2008

Jilien Kanoui ...

Petitioner
Through: Mr. S.S. Das, Advocate

versus

Narcotic Control Buraeu ...

Respondent
Through: Mr.Rajesh Manchanda, Advocate

SUNIL GAUR, J.

1. Extension of interim bail for another period of six months is sought in this petition on the ground that the petitioner is suffering from terminal disease i.e. is suffering from H.I.V. infection which is in advanced stage. Petitioner is facing trial in a case under the NDPS Act and is on interim bail till 7th December, 2008.

2. Reliance has been placed upon a medical report of the petitioner dated 15th November, 2008 to highlight that the condition of the petitioner is deteriorating due to drug resistance and medicine failure and he is getting AIDS related infections and that he is at a very high risk of succumbing from this illness. It is also stated in this report that the facilities in Indraprastha Apollo Hospital are not adequate to investigate and manage the extensive treatment of patients like the petitioner.

3. In the present petition, it is not stated by the petitioner as to from which other Hospital, he wants to get himself treated. It is abundantly clear from the aforesaid medical report, Annexure-E at page 85 of the paper book that the facilities for extensive treatment of the petitioner are not available in Apollo Hospital. From the copies of the medical papers placed on record, it is not clear as to from where the petitioner was receiving treatment during the period of four months of his interim bail.

4. It is unfortunate that the disease of the petitioner is in an advanced stage but in the absence of a specific line of treatment to be obtained by the petitioner, his interim bail cannot be extended. It appears from the medical report Annexure-E that petitioner had been receiving treatment from Specialist from Ram Manohar Lohiya Hospital.

5. The present petition for extension of interim bail is declined and the petitioner is directed to surrender on 8th December, 2008 before the Jail Authorities who shall ensure that the petitioner receives best possible treatment from the R.M.L. Hospital or any other specialised Hospital.

6. A copy of this order be sent to the Jail Superintendent concerned for compliance.

7. With the aforesaid directions, this petition as well as pending application(s), if any stand disposed of.

Sd/-
SUNIL GAUR, J