

Rajesh Sharma vs.directorate of Revenue Intelligence

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Court : Delhi

Decided On : Jun-01-2018

Appellant : Rajesh Sharma

Respondent : Directorate of Revenue Intelligence

Judgement :

\$~32 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + BAIL APPLN.
491/2018 Judgment delivered on:

01. 06.2018 RAJESH SHARMA

... Petitioner

versus DIRECTORATE OF REVENUE INTELLIGENCE Respondent
Advocates who appeared in this case: For the

... Petitioner

: For the Respondent : Mr. Vikram Chaudhri, Sr. Adv. with Mr. Janender Kumar Chumbak, Mr. Raktim Gogoi, Mr. Harshit Sethi, Mr. Kartikeya Singh and Mr. R.P. Saini and Mr. Rishi Sehgal, Advs. Ms. Maninder Acharya, Sr. Adv. with Mr. Satish Agrawal, Standing Counsel for DRI CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT0106.2018
SANJEEV SACHDEVA, J.

(ORAL) BAIL APPLN. 491/2018 & CrI. M. (Bail) 362/2018 (Interim Bail) 1. The petitioner seeks regular bail in SC No.11A/2013 under Sections 22(c)/25A/29 of the NDPS Act, 1985 as also an interim bail.

2. Pending the subject petition, the petitioner filed the subject BAIL APPLN. 491/2018 Page 1 of 4 application being CrI. M. (Bail) 362/2018 seeking interim bail for the purpose of medical treatment of his mother.

3. Learned Senior Counsel for the petitioner submits that there is no evidence against the petitioner to suggest that the petitioner was dealing with any Psychotropic Substance and only evidence that is relied upon is at best that the petitioner was dealing with the controlled substance.

4. Learned ASG disputes the same and contends that there is sufficient evidence to show that the petitioner was involved and dealing with psychotropic substances. Further learned ASG submits that since the petitioner had withdrawn the regular bail application before the trial court, the petitioner should, in the first instance approach the trial court for grant of regular bail,.

5. Learned Senior Counsel for the petitioner restricts his prayer in the present petition to grant of interim bail and with regard to relief of regular bail seeks leave to withdraw the petition with liberty to approach the trial court.

6. Learned Senior counsel for the petitioner further submits that the petitioners mother is aged about 70 years and is suffering from several medical ailments including type-II depression and requires constant medical care. He submits that the wife of the petitioner had already sought divorce and the petitioner has two sons who are residing with the grandmother; one is aged about 18 years and other is aged about 12 years. He submits that the petitioner was earlier granted interim bail for a period of 7 days by order dated 24.05.2017, which was thereafter extended till BAIL APPLN. 491/2018 Page 2 of 4 01.07.2017. The petitioner duly surrendered after the interim bail period was over.

7. In terms of order dated 23.04.2018, the respondents were given liberty to have the petitioners mother examined by a doctor. The respondent had taken the

mother of the petitioner to Deen Dayal Upadhyay Hospital (DDU Hospital). As per the medical report of DDU Hospital dated 02.05.2018, where the mother of the petitioner was taken by the respondent, she requires close supervision by a family member, supervised medication and regular follow-up.

8. At the back of the OPD card produced by the petitioner, the following query was put by the IO, DRI to the doctor:-

"i) Whether the close supervision, advised by doctor is required by close family member only or can be carried out by any 24x7 paid attendant?. In response thereto, Doctor has opined as under: - A) In general, as the patient is suffering from MDD (Depressive Disorder), family member is the first choice, but supervision, per se can be done by any responsible person, be it a 24x7 hour paid attendee, if family member are not available.

9. Keeping in view the facts and circumstances of the case and the fact that the medical condition of the mother of the petitioner has been confirmed and also the fact that the petitioner was earlier granted interim bail and thereafter surrendered after the said period of interim bail was over, I am of the view that petitioner is entitled to grant of interim bail for a period of two weeks on the same condition as was imposed by order dated 24.05.2017. BAIL APPLN. 491/2018 Page 3 of 4 10. Accordingly, the petitioner is directed to be released on interim bail for a period of two weeks from the date of his release, on his furnishing a personal bond and two sureties of Rs. 2 lakhs to the satisfaction of the concerned trial court. The petitioner shall surrender before the concerned Jail Superintendent after the expiry of the period of two weeks from the date of his release. During the course of the interim bail, the petitioner shall mark his presence in the concerned police station twice a week. He shall not do anything which may prejudice either the trial or the prosecution witnesses. He shall not leave the country without the permission of the trial court.

11. Accordingly, Crl. M. (Bail) 362/2018 (Interim Bail) is disposed of in the above terms.

12. BAIL APPLN. 491/2018 is dismissed as withdrawn, with liberty to the petitioner to approach the trial court for grant of regular bail, which application shall be considered by the trial court in accordance with law, without being influenced by anything stated in this order. On such an application being moved by the petitioner, the trial court is directed to dispose of the same as expeditiously as possible.

13. Order Dasti under signatures of the Court Master. SANJEEV SACHDEVA, J01JUNE, 2018 rs BAIL APPLN. 491/2018 Page 4 of 4

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