

03.11.2022  
SI. No.22  
**akd**  
[INTERIM BAIL]

**C. R. M. (NDPS) 1261 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.10.2022 in connection with New Barrackpore Police Station Case No. 356 of 2022 dated 20.09.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Tulu Biswas***

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Arijit Ganguly  
Mr. Ashok Das

... .. for the State

Petitioner prays for bail on medical grounds. It is submitted on behalf of the petitioner that she is a HIV positive patient and is entitled to treatment as per the guidelines issued under the provisions of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (*hereinafter referred to as the 'Act of 2017'*).

Report is placed on record. It appears from the report that the petitioner is a HIV positive patient and is receiving treatment.

We have considered the materials on record. Sub-section (1) of the Section 31 of the Act of 2017 entitles every person in the care and custody of the State to HIV treatment services in accordance with the guidelines issued under the Act. In view of the aforesaid fact, we are of the opinion in order to ensure better treatment of the petitioner as per the guidelines she may be released on interim bail.

Accordingly, the accused/petitioner, namely ***Tulu Biswas***, be released on **interim bail** upon furnishing bond of Rs.10,000/- (Rupees

Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Barrackpore, North 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The interim bail shall continue for a period of three months from date or until further orders, whichever is earlier in order to enable the petitioner to avail treatment as HIV positive patient.

Let the matter appear on **03.02.2023**.

Further report with regard to the health condition of the petitioner be filed on the adjourned day.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**