

News

The Bombay High Court calls for compassion and mental health care for all those accused of alcohol and drug abuse.



A former CRPF employee who is accused of beating his wife to death because she "could not provide a meal to him as per his immediate demand" had applied for bail.

In *Pramod Wamanrao Dhule v. The State of Maharashtra and Others*, the Bombay High Court ruled that someone charged of a crime who is also suspected of having a drug or alcohol addiction must receive psychiatric therapy in order to ensure that they recover from their mental condition.

Section 2(1)(s) of the Mental Healthcare Act, 2017 states that an addiction to illegal narcotics or hooch (illicit liquor) is a mental disease, according to Justice Sanjay A. Deshmukh.

The Court stated that police or investigating officers who apprehend such individuals and bring them before a magistrate, police, remand, or trial, as well as jail officials and trial courts, are required to provide a medical examination and treatment for such addicted individuals in accordance with the process specified in the Mental Healthcare Act, 2017.

It did point out, nevertheless, that routine medical checks of these arrested suspected individuals are frequently carried out only to fulfill requirements.

In order to resolve the matter, the Court issued the subsequent directive:

If an accused person's charge sheet or report alleges that they are prima facie addicted to drugs or alcohol, the police, court, or jail authorities must have a psychiatrist conduct a medical examination to determine whether they are addicted. If the psychiatrist finds that the accused person is mentally ill as defined by Section 2(1)(s) of the Mental Healthcare Act, 2017, they will be sent to a rehabilitation facility for treatment. At the same time, they must seek the assistance of a psychologist or counselor to alter their perspective.

In these situations, the Court also advocated for a compassionate approach.

"Though they (those suffering from liquor or drug addiction) suffer from mental illness, they are often harshly condemned due to a lack of awareness about mental illness instead of being considered sympathetically, as other illnesses are treated," it stated.

A former CRPF employee who is accused of beating his wife to death because she "could not provide a meal to him as per his immediate demand" had his bail application heard by the court. The court determined that his alcoholism was the cause of the argument during the bail hearing.

According to the Court's opinion in the decision issued on September 25, the accused's alcohol addiction seemed to be a sign of a mental disease. The Court observed that alcohol or drug abuse is eligible for psychiatric treatment and psychological counseling in order to cure such an addiction under India's mental healthcare statute.

Additionally, the World Health Organization (WHO) believes that those who are addicted to illegal drugs or alcohol are mentally sick. Such illnesses give rise to an overwhelming need in these people's thoughts, which leads them to turn aggressive and conduct crimes, usually assault, for financial gain, seriously injuring or killing innocent people, the Court continued.

Regarding the broader problem of addiction, the Court noted that young people are illegally provided drugs and alcohol by peddlers and bootleggers, which frequently results in intoxication and a greater likelihood of committing crimes and civil damage.

The Court also emphasized the negative effects that addiction has on families, especially on women and children.

These addicts frequently pester friends, relatives, and other people, requesting money to feed

their addictions. They regularly beat and abuse their parents, spouses, kids, and other relatives or friends. They are discovered attacking police and jail personnel while being treated after being detained for crimes. They instill terror in society all the time. Women and children are frequently harmed by their severe overt behavior. Additionally, they contribute to car accidents by driving carelessly and recklessly when under the influence of drugs and alcohol. In order to fulfill their urges and, frequently when under the influence of alcohol or drugs, to get the money necessary to buy these substances, they are discovered committing crimes like murder, rape, outraging women's modesty, extortion, robbery, theft, etc.

But the Court also took a sympathetic stance on the matter.

The majority of these people are impoverished, illiterate, and from lower socioeconomic classes. They refuse to respond to calls for de-addiction treatment from family members and others because of their unreasonable or haughty behavior brought on by mental illness. They say they are not mentally sick and will not drink alcohol or use drugs going forward, the report continued.

According to the court, these individuals would continue to endanger society and their loved ones if they are freed on bail without receiving therapy.

According to Sections 480 rw 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the law established by the Hon'ble Supreme Court and several High Courts in judicial pronouncements, there are compelling legal and factual reasons to deny them bail because they are likely to commit crimes in the future as a result of their mental illness, the Bench stated.

Therefore, it emphasized that, for the sake of society's overall safety, it would be advantageous to treat such individuals for their mental illness rather than releasing them on bail without adequate treatment and rehabilitation.

In accordance with criminology and penology, the Court stated that "if this course

is followed by all concerned, police, jail authorities, and courts, it will reduce the number of crimes and society will be relieved from the legal mischief of such persons, fulfilling the objective of the reformatory theory of punishment."

The court in this instance ordered that the accused be sent for a psychiatrist's medical evaluation. In accordance with the process outlined in the Mental Healthcare Act of 2017, it further said that if he is determined to be mentally sick as a result of alcohol addiction, he should receive treatment in a rehabilitation facility until he completely recovers from his illness.

Additionally, the Court gave the following broad instructions:

1. The trial and remand courts are supposed to examine the charge sheet or report (FIR) in all of these cases. In order to assure compliance by the police and jail officials, the court will order a psychiatrist to conduct the accused's medical evaluation and request medical reports if it is determined that they are addicted. Outpatient care won't accomplish the goal. Additionally, private rehabilitation care is expensive. Therefore, the best course of therapy is to go to a government rehabilitation facility.

2. The police officer looking into the crime, the court handling the case, and the jail officials holding these drug or alcohol addicts in judicial custody are instructed to have a psychiatrist examine the accused individuals. They must receive the proper treatment in a government rehabilitation facility and receive counseling from a psychologist or other qualified counselor if the assessment indicates that they are primarily suffering from a mental illness and an alcohol or drug addiction.

Through all District Legal Services Authorities (DLSAs) and Taluka Legal Services Authorities (TLSAs), the Court also ordered the Secretary of the Maharashtra State Legal Services Authority (MSLSA) to organize awareness campaigns about drug and alcohol addiction rehabilitation paths.

According to the Court, this will be done to make sure that society, especially the general

public and law enforcement, changes its perspective so that, rather than detesting such addicts, they are treated with compassion and understanding, just like those with other illnesses.

The accused were represented by Senior Advocate RN Dhorde and Advocate VR Dhorde.

The State was represented by Additional Public Prosecutor RS Wani.

Lawread