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

+ **BAIL APPLN. 2859/2019**

MOHD. SABIR

..... Petitioner

Through Mr Shahid Ahmad Khan, Advocate.  
versus

STATE

..... Respondent

Through Ms Meenakshi Chauhan, APP.  
SI Dinesh Kumar, P.S. Crime Branch present.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**10.12.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be released on regular bail in FIR No. 42/2016, under Sections 20/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), registered with Police Station Crime Branch, Delhi.
2. The petitioner was arrested on 03.04.2016 and has been in custody for three and a half years. It is also stated that the material witnesses have been examined and only five witnesses, who are official witnesses, remain to be examined.
3. The learned counsel appearing for the petitioner states that the co-accused Dinesh Kumar Panchal has already been granted bail by an order dated 27.09.2019, and the petitioner ought to be granted bail on the principle of parity.
4. Ms Meenakshi Chauhan, learned APP states that the petitioner cannot claim parity with accused Dinesh Kumar Panchal as he had no previous involvement in any criminal case. However, the petitioner was involved in

another FIR No. 57/2003, under Sections 457/380 of the IPC, registered with P.S. Delhi Cant, Delhi. He was convicted and sentenced to serve imprisonment for a period of nine months and a fine of ₹500/- by an order dated 11.02.2004.

5. Considering that the petitioner has already served three and a half years in custody, and all material witnesses have been examined, this Court considers it apposite to allow the present petition. This Court is also of the view that the petitioner would be entitled to be treated at par with Dinesh Kumar Panchal (co-accused). The fact that the petitioner was involved in another case more than sixteen years ago does not warrant that he be treated differently.

6. In view of the above, the petitioner is directed to be released on bail on his furnishing a personal bond in the sum of ₹25,000/-, with two sureties of the like amount to the satisfaction of the Trial Court. This is also subject to the further following conditions:-

- a) the petitioner shall ensure that he is available on all dates of hearing before the Trial Court;
- b) the petitioner shall not leave the National Capital Region without prior approval of the Trial Court; and
- c) the petitioner shall report to the concerned SHO once every fortnight;

7. The petition is allowed in the aforesaid terms.

8. Order *dasti* under the signature of Court Master.

**VIBHU BAKHRU, J**

**DECEMBER 10, 2019/ pkv**