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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2133/2019**

DINESH KUMAR PANCHAL Petitioner
Through Mr Sunil Sharma, Mr Saurabh Sharma,
Mr Tushar Sharma, Mr Achal Kaushik, Advocates.
versus

STATE Respondent
Through Ms Meenakshi Chauhan, APP for state.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
27.09.2019

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CRL.M.A. 34330/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed this application, *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 P.S. Crime Branch.

4. A status report has been filed which indicates that the petitioner was apprehended on the basis of secret information received by a Sub Inspector of the Central Range, Crime Branch. On search of the petitioner, 49.5 kilograms of cannabis (*Ganja*) is alleged to have been recovered from him. The petitioner disputes the above. It is also the petitioner's case that notice under Section 50 of the NDPS Act was not served in the manner as provided. The learned counsel appearing for the petitioner also relies on the decision of the Supreme Court in *Arif Khan @ Agha Khan v. State of*

Uttarakhand: Crl. Appeal No. 273/2007.

5. The petitioner was arrested on 03.04.2016. It is seen that the petitioner has already been in custody for over three and a half years. The five witnesses of the raiding party who were to be examined have already been examined. This Court is also informed that the remaining witnesses are only official witnesses. In view of the above, this Court considers it apposite to allow the present application.

6. 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 concerned Trial Court. This is also subject to the following further 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 (including Sonipat) without the approval of the Trial Court;
- c) The petitioner shall report to the concerned SHO once in every fortnight;

7. The application is allowed in the aforesaid terms.

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

VIBHU BAKHRU, J

SEPTEMBER 27, 2019/pkv