

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.1261 OF 2014****IN****CRIMINAL APPLICATION NO.16 OF 2008****IN****CRIMINAL APPEAL NO.19 OF 2008**

Omprakash Deepak Kanojia

..Applicant.

versus

Narcotics Control Bureau and another

..Respondents.

.....

Ms. Sartaj Shaikh for the Applicant.

Mr. H.S. Venegavkar for Respondent No.1.

Ms. Sharmila Kaushik, Addl.P.P. for the State.

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CORAM : A.S. GADKARI, JJ.**20th January, 2015****P.C. :**

This is an Application for modification of the order dated 4th April 2008 thereby releasing the Applicant on bail on certain conditions. The Applicant in the present Application has contended that he is patient of HIV positive blood serum and is not keeping good health because of the same. While releasing the Applicant on bail by the order dated 4th April, 2008 this Court has imposed a condition in paragraph 7(b) which reads as under :

“7(b) The Applicant shall report to the Superintendent, NCB Office in Mumbai twice a months on 1st and 3rd Monday of every English Calender Month between 10.00 a.m. and 1.00 p.m. till further orders to be passed by this Court and/or disposal of the Appeal.”

2. The learned counsel appearing for the Respondent No.1 NCB after taking instructions from the officer has submitted that in pursuance of the order dated 4th April, 2008 the Applicant is regularly attending the office of the NCB.

3. The present Application has been filed for relaxation of the said condition to the extent that the Applicant may be permitted to attend the office of the NCB once in six months.

4. Taking into consideration overall view of the matter and the order dated 4th April, 2008, particularly clause (b) of paragraph 7, I am inclined to modify the same to the extent that the Applicant shall attend the office of the NCB once in three months hereinafter. The rest of the order dated 4th April, 2008 is not disturbed at all.

The Application is allowed in the aforesaid terms.

(A.S. Gadkari, J.)