

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1881 OF 2016

Pankaj S. Kothari	.. Applicant
Versus	
Union of India & Anr.	.. Respondents

Mr. Ayaz Khan for the Applicant.
Mr. Deepak Thakare, A.P.P. for the State.

**CORAM :- SMT. SADHANA S. JADHAV, J.
DATED :- 9th JANUARY 2017.**

P.C. :-

1 Heard the learned counsel for the applicant. The application seeking enlargement on bail was rejected by Special Judge (N.D.P.S.) on 25.08.2016. On 08.09.2016, the learned special Judge had directed the respondent No.2 i.e. the Officer in-charge of Vodafone India Ltd. to produce the call details record of mobile No.9619693021 in terms of Section 65(B) of Indian Evidence Act. On 26.10.2016, the Officer of Vodafone India Ltd. issued a certificate under section 65B of Indian Evidence Act.

2 According to the learned counsel for the applicant this would be change in circumstance as the orders were passed by the learned Special Judge only after the application for bail was rejected. The learned Special Judge has not taken into consideration the said

aspect. In view of this, the learned counsel for the applicant upon instructions seeks liberty to withdraw the application.

3 Liberty as prayed for is granted in the interest of justice with further liberty to approach the Sessions Court under Section 439 of Cr.P.C. in the changed circumstances. The learned Special Judge shall consider the application on its own merits.

(SMT. SADHANA S. JADHAV, J.)