

Vidya Amin.

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

CRIMINAL APPLICATION NO. 1078 OF 2018

Shahid Farid Choudhary	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Shekhar S. Bhandary, Advocate for the applicant.
Ms. Veera Shinde, APP for the respondent/State

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 19th November, 2018**

P.C. :

This Application under section 482 of Cr. P.C. is moved by the applicant/accused against the order dated 26th June, 2018 passed by the learned Additional Sessions Judge, Thane in N.D.P.S. Special Case No. 51 of 2015 below Exhibit 69. The present applicant along with co-accused No. 1, who is facing the trial, reached late in the Court on 26th June, 2018. On considering the fact that the accused were on jail and to grant one more opportunity, the learned Judge cancelled the N.B.W. issued against the accused on the condition that the applicant shall pay the amount of forfeiture of P.R. Bond and shall execute fresh P.R. Bond and security bond of Rs.50,000/-.

2. The learned counsel appearing for the applicant/accused submitted that similar Application No. 966 of 2018 was made by co-accused No. 1 before this Court and this Court by order dated 27th August, 2018 has set aside the condition imposed by the learned Additional Sessions Judge, Thane.

3. The learned APP concedes.

4. Hence, similar order is passed as follows:

The record indicates that, on 26th June, 2008 the said case was scheduled for hearing and the applicant could not reach to the Court when the case was called out at the first call, as he was held up due to traffic congestion and therefore, the learned trial Court passed the impugned order forfeiting the earlier P.R. Bond and directing to execute the fresh PR and SB bond of Rs.50,000/-.

5. The learned counsel for the applicant submitted that it is only due to the circumstances which were beyond the control of the applicant, he could not attend the Court at the first call, however, thereafter attended the Court.

6. In view of the above, the impugned order is set aside. The applicant is permitted to remain on P.R. Bond and same solvent sureties as has been executed by him in furtherance of order dated 24th August, 2017 passed by this Court in Bail Application No. 1049 of 2016.

7. The cash bail amount of Rs.50,000/- which is deposited is to be returned to the applicant on verification of challan.

8. Application is allowed in the aforesaid terms.

(MRIDULA BHATKAR, J.)