

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

BAIL APPLICATION NO. 2457 OF 2017

Sameer Usman Khan.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Kalpesh Patil, advocate appointed for Applicant.

Mr. S.R. Agarkar, APP for State.

Mr. A.A. Sanap, PSI, Alibag Police Station, Dist. Raigad.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 29, 2018**

P.C.:

1 Heard the learned Counsel appointed for the applicant and the learned APP. Perused the papers.

2 This is an application through jail. The applicant herein is an accused in NDPS Special Case No. 2 of 2016 where he is being prosecuted for offence under section 20(ii)(b) and 29 of the NDPS Act. That by an order dated 5/8/2016, the learned Sessions Court

has directed that the applicant be enlarged on bail on furnishing solvency certificate to the tune of Rs. 25,000/-.

3 The learned Counsel appointed for the applicant submits that the applicant could not make arrangement for the same. Therefore, he had filed an application to seek provisional cash bail. However, the applicant is not aware as to whether the said application has been decided or not. It is in these circumstances that the applicant has approached this court seeking enlargement on bail by modifying the operative order dated 5/8/2016.

4 The learned Counsel appointed for the applicant submits that the order granting bail would be futile in view of the fact that since August, 2016 the applicant continues to remain in incarceration although he has been granted bail on merits by the Sessions Court.

5 It is in these circumstances that the order passed by the learned Sessions Court dated 5/8/2016 stands modified as follows :

- (i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned police station on every Sunday between 10 a.m. to 12 noon till conclusion of the trial and shall continue to cause his appearance before the learned Special Court. On failure to cause his appearance on two consecutive dates, the prosecution shall be at liberty to file an application under section 439(2) of the Code of Criminal Procedure, 1973.

6 The learned Counsel appointed for the applicant is entitled to the professional fees to the tune of Rs. 1500/-.

7 The application stands disposed accordingly.

Office to communicate this order to the applicant who is lodged in Taloja Central Prison.

(SMT. SADHANA S. JADHAV,J)