

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

CRIMINAL BAIL APPLICATION NO.60 OF 2020

Rahul Shantaram Bhujbal

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. S. B. Talekar i/b. Ms. Madhavi Ayyappan, Advocate for the Applicant.

Mr. H. J. Dedhia, for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 9th SEPTEMBER, 2020

**Nilam
Kamble**

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Nilam Kamble

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. Heard for some time.

2. It appears that the grounds which are now pressed in service and particularly, the ground based on Section 41(2) r/w. Section 42 of the NDPS Act, about absence of authorisation, as well as certain factual grounds about there being discrepancy as to the timing of receipt of the secret information, the concerned station diary entries, the time at which the panchas were asked to remain present before the Crime Branch, were not raised before the learned Sessions Judge.

3. Faced with this situation, Mr. Talekar, the learned counsel for the applicant, on instructions, seeks leave to withdraw the application with liberty to approach the learned Special Judge, afresh, by raising appropriate grounds as may be available to the applicant both on law

and facts. The only limited request is that if the applicant files such an application, the Special Judge may be directed to decide the same as expeditiously as possible, in as much as the applicant is in jail from 19/1/2019.

4. In such circumstances, the Criminal Application is disposed of, as withdrawn, with liberty as prayed.

5. It will be open to the applicant to approach the learned Special Judge, afresh, for bail by raising all such contentions / grounds as may be available to the applicant both on law and facts.

6. If such an application is filed, the learned Special Judge shall decide the same as expeditiously as possible and in any event within two weeks from the date of filing of such application without being influenced by the observations in the order dated 8/5/2019.

7. The rival contentions are left open.

C.V. BHADANG, J.