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

CRIMINAL BAIL APPLICATION NO.806 OF 2019

Ayub Lala Tafsir Khan	...Applicant
Versus	
Union of India and Anr.	...Respondents

Mr. Ayaz Khan, for the Applicant.

Mr. Jitendra B. Mishra, Special P.P. for the Respondent No.1 – UOI.

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent No.2– State.

CORAM : REVATI MOHITE DERE, J.

DATE : 12th FEBRUARY, 2021

P.C. :

1. Learned Counsel for the applicant is relying on the Judgment of the Apex Court in the case of ***Tofan Singh v/s State of Tamil Nadu***¹, in support of his submission, for seeking release of the applicant on bail. He further submits that the order granting bail to the applicant in NDPS Case No.226 of 2015, has a bearing to this application and that the said order was also not pointed out to the learned Judge, whilst deciding the applicant's application for bail. He submits that in view of the aforesaid, the applicant be permitted to withdraw this application, with liberty to file a

1 Criminal Appeal No.152 of 2013 dated 29th October, 2020.

fresh application before the learned Special Judge having regard to the change of circumstance i.e. judgment of the Apex Court in the case of ***Tofan Singh (supra)*** and the applicant's bail order in NDPS Case No.226 of 2015.

2. Learned Special P.P. for the Respondent No.1 – UOI has no objection.

3. Application is accordingly disposed of as withdrawn with liberty as prayed.

4. If a fresh application is filed by the applicant, the same shall be decided by the learned Judge, on its own merits, uninfluenced by the withdrawal of this application.

5. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.