

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 297 OF 2022

Alpesh Kumar Suresh Kumar Jain .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Adil Khatri for the applicant in BA No.297/2022.
Mr.S.H.Yadav, APP for the State.
PSI Shri S.S. Tawade from DCB CID, UNIT-IX present.

CORAM: BHARATI DANGRE, J.
DATED : 11th OCTOBER, 2022

P.C:-

1 On expressing my disinclination to entertain the application, on merits of the matter, in the wake of the material compiled against the present applicant in the charge-sheet, learned counsel seek permission to withdraw the application. Permission is granted.

Learned counsel also submits that the issue as to whether the charge-sheet not being accompanied with the report of Chemical Analysis of the seized substance, is an incomplete one, is pending before the Hon'ble Apex court. The learned counsel is reminded of the fact that as far as the Bombay High Court is concerned, the issue has been put to rest on a reference

being answered of the Division Bench of this Court at Goa in *Manas Krishna TK Vs. The State, Goa in Criminal Misc. Application (Bail) No.88/2021*.

2 Hence, according to me, as far as Bombay High Court is concerned, the issue is foreclosed till the Supreme Court reverses the said decision. However, since the learned counsel for the applicant had sought permission to withdraw the application, he is granted liberty to approach this Court in case if the law point as regards incomplete charge-sheet is reversed by the Bombay High Court, and when he shall be able to submit that the charge-sheet was an incomplete one.

3 Reserving the above said liberty, application is disposed off as withdrawn.

(SMT. BHARATI DANGRE, J.)