



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

BAIL APPLICATION NO.2234 OF 2023

FAYYUM KHAN MEER AFJAL KHAN ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Taraq Sayed i/b. Adv. Lochan Chandka for the
Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 10, 2023

P.C. :

1. Learned counsel for the applicant on instructions seeks leave to withdraw the application with liberty to approach the trial Court for bail as the co-accused who are found in possession of the contraband are enlarged on bail and therefore one of the ground on which the applicant is seeking bail is that of parity. According to learned counsel for the applicant the applicant's role is much lesser and there are no materials justifying continuation of his custody.
2. In any case as learned counsel for the applicant seeks leave to withdraw the application I am not expressing any opinion. The trial Court to decide the application on its own

merits and in accordance with law. Considering that the applicant is incarcerated since 05.02.2022 the learned trial Judge is requested to decide the application expeditiously if filed.

3. All contentions are kept open.
4. The application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly.

(M. S. KARNIK, J.)