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

**INTERIM APPLICATION NO.435 OF 2024
IN
CRIMINAL APPEAL NO.19 OF 2008**

OMPRAKASH DEEPAK KANOJIA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Sartaj Shaikh for the applicant.

Mr. S. A. Karmakar, APP for the State.

Adv. Shahajirao Shinde a/w Adv. Viraj Bhale for respondent
No.2-NCB.

CORAM : M. S. KARNIK, J.

DATE : APRIL 5, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent No.2.
- 2.** This is an application for modification of the bail condition. The applicant was directed to attend the office of NCB once in three months. It is submitted by learned counsel for the applicant that he is a HIV positive patient.
- 3.** Mr. Shinde, learned counsel appearing for the NCB vehemently opposed the application. It is submitted that

considering that the applicant is convicted for the offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 the condition should not be modified so as to ensure that the applicant is available to attend the office of the NCB.

4. In my opinion, considering that the applicant has abided by the condition since the year 2008, I am inclined to modify the condition.

5. The applicant shall furnish his contact details and residential address to the NCB and inform change, if any. The applicant shall now attend the office of NCB once in a year on any day between Monday to Friday of the first week of the concerned month commencing May, 2024.

6. Learned counsel for the applicant on instructions submits that the applicant does not hold a passport. The applicant shall not leave the country without permission of this Court.

7. The interim application is disposed of.

(M. S. KARNIK, J.)