

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1767 OF 2026

Reza Fareedon Borhani Shidani.

... Petitioner

V/s.

The State of Maharashtra.

... Respondents

Mr. Ali Kaashif Khan Deshmukh a/w Ms. Snigdha Khandelwal, Mr. Abrar Burondkar, Mr. Md. Farid Shaikh, for the Petitioners
Mr. Y. M. Nakhawa, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th APRIL, 2026.

P.C. :

1. Mr. Ali Kaashif Khan Deshmukh, learned Advocate for the Petitioner submits that, the Application seeking discharge filed by the Petitioner at Exh-33 in NDPS Special Case No. 462 of 2020 was rejected by the Special Judge for NDPS case at Greater Mumbai on 7th January 2026. He on instructions from the Petitioner seeks leave to withdraw the present Petition with liberty to challenge the Order dated 7th January 2026 passed in Discharge Application (Exh-33) by filing Criminal Revision Application. He however submits that, as the Petitioner was bonafidely and in good faith pursuing this Petition before this Court, the time spent in the present Petition be excluded. To clarify, he states that this Petition

is filed within the period of 90 days from 7th January 2026. He submits that the limitation for filing a Criminal Revision Application is 90 days.

2. Mr. A. A. Palkar, learned APP for the State does not object to the request made by Mr. Ali Kaashif Khan Deshmukh.

3. In view of the statement made by Mr. Ali Kaashif Khan Deshmukh, leave granted to withdraw the present Petition with the liberty as prayed for. If the Criminal Revision Application under Section 438 of the BNSS is filed within a period of two weeks from today, then the Petitioner would be entitled to seek exclusion of time spent in this Petition in terms of Section 14 of the Limitation Act.

4. Criminal Writ Petition No. 1767 of 2026 is disposed of as withdrawn.

(ASHWIN D. BHOBE, J.)