



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION STAMP NO.7305 OF 2026

Ushik Mahesh Gala : Petitioner.

Versus.

Directorate of Enforcement

Through the Assistant Director and anr. : Respondents.

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Mr. Vikaram Nankani, Senior Advocate a/w Mr. Rishi Bhuta,  
Mr. Rashmin Khandekar, Mr. Pushkraj Deshpande and Mr.  
Rohan Marathe i/by ALMT Legal for the Petitioner.

Mr. Pavan S Patil a/w Adv. Shubham Saraf, Tanmay Deshmukh  
for the Respondent No.1.

Mr. Y M Nakhawa, APP for the Respondent/State.

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CORAM : ASHWIN D. BHOBE, J.

DATED : 15 APRIL 2026

PC:-

1. This Writ Petition is circulated pursuant to the praecipe dated 9<sup>th</sup> April 2026, in view of the urgency expressed therein. The same is taken on record and marked as "X" for identification.

2. Mr. Pavan Patil, learned Advocate for Respondent No. 1, raises a preliminary objection to the maintainability of this Petition. His objection is that the prayer in the present Petition



essentially seeks the grant of Regular bail. He relies on the decisions of this Court in the cases of *State of Maharashtra Vs. Sanjay Moreshwar Damle*<sup>1</sup> and *Mohammad Nawab Mohammad Islam Malik @ Nawab Mali Vs. Directorate of Enforcement Through Asst. Director*<sup>2</sup> to submit that when the Petitioner has a specific, effective alternate remedy by way of applying for Regular bail, this Court should not entertain the present Petition under Article 227 of the Constitution of India. He emphasises that there are no exceptional circumstances made out by the Petitioner to request the exercise of discretion under Article 227 of the Constitution of India.

3. Faced with the said objection, Mr. Vikaram Nankani, learned Senior Advocate for the Petitioner, seeks leave to withdraw this Petition with liberty to file an application seeking Regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. He submits that the Petitioner has a medical condition and has been on medical bail since 24<sup>TH</sup> December 2025, with the bail being extended from time to time. He further submits that the period of said medical bail expires today (i.e. 15<sup>th</sup> April 2026), and therefore, he requests protection for a period of one week from today to enable the Petitioner to file appropriate proceedings for Regular bail. He fairly states that this indulgence is sought to facilitate the withdrawal of this

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<sup>1</sup> 1999 (3) Mh.LJ 881

<sup>2</sup> Decided on 10 June 2025 in Writ Petition HNo1925 of 2022



Petition and the filing of appropriate proceedings for Regular bail.

4. Mr. Pavan Patil, learned advocate for Respondent No. 1, opposes the said request made by Mr. Vikaram Nankani, learned Senior Advocate . However, he does not dispute that the Petitioner has been on medical bail since 24<sup>th</sup> December 2025, and that such bail remains in force as of the date.

5. In rejoinder, Mr. Vikaram Nankani, learned Senior Advocate for the Petitioner, submits that the Petitioner still has a serious medical condition and therefore reiterates his prayer.

6. Considering the factual situation, i.e. the Petitioner being on medical bail since 24<sup>th</sup> December 2025, which bail continues as on date, the statement of Mr. Vikaram Nankani, that the Petitioner is still in a medical condition, it is in the interest of justice that the medical bail granted to the Petitioner on 24<sup>th</sup> December 2025 be extended till 23<sup>rd</sup> April 2026.

7. It is clarified that the present indulgence to the Petitioner is shown on account of the preliminary objection raised by Mr. Pavan Patil, learned advocate for the Respondent No.1, being sustained and Mr. Vikaram Nankani, learned Senior Advocate for the Petitioner, requesting time to file appropriate and proper proceedings. It is further clarified that this indulgence will not be extended beyond 23<sup>rd</sup> April 2026



and the matter will be considered on its own merits after hearing all the parties.

8. In view of the above, leave is granted to the Petitioner to withdraw the present Petition with liberty to file appropriate proceedings.

9. The medical bail operating since 24<sup>th</sup> December 2025 to continue till 23<sup>rd</sup> April 2026, on which date it shall be automatically vacated.

10. Criminal Writ Petition Stamp No.7305 of 2026 is disposed of as withdrawn with liberty as prayed for.

**(ASHWIN D. BHOBE, J.)**