

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CRI-41-2020**

Obiajulu Tochukwu Praise ... Applicant

Versus

State of Goa & Anr. ... Respondents

Shri K. Poulekar Advocate for the Applicant.

Shri S.R. Rivankar, Special Public Prosecutor with Shri Gaurish Nagvekar,
Additional Public Prosecutor for the Respondents.**Coram:- DAMA SESHADRI NAIDU, J.****Date:- 2nd September 2020****PC:**

The applicant has been charged with an offence under Section 20(B)(ii)(a) of NDPS Act in Crime No.190/2019. After his arrest, the applicant applied for regular bail. Indeed, the trial Court, through its order dated 27.12.2019, granted the bail subject to certain conditions. One of the conditions is that the applicant should deposit his original passport and visa before the trial Court.

2. The applicant could not comply with that condition because he no longer has a valid visa. In fact, his not possessing a subsisting visa has led to other criminal proceedings, but we are not concerned with them. The applicant, however, pleads that once the visa expired, he applied for its renewal but is yet to get it. Therefore, he wants this Court to modify that condition.

3. In response to the submissions advanced by the applicant's counsel, the learned Special Public Prosecutor, on instructions, accepts that the applicant did apply for the renewal of visa. According to him, the Authorities concerned, in April 2019, asked him to provide certain information but he did not comply with that requirement. So, on 06.06.2019, the Authorities closed that application. The applicant's

counsel, however, insists that on 16.01.2020, once again, the applicant applied. Of course, the learned Special Public Prosecutor contradicts it.

4. At any rate, the fact remains that the applicant has a valid passport but not a valid visa. It is a matter of official record. The purpose of the bail condition is to ensure that the applicant, a foreign national, does not leave the country. Once the applicant deposits the passport, the objective behind the requirement stands satisfied because, admittedly, the applicant has no valid visa—to flee the country, if ever. Besides, once he comes out, he may pursue with the authorities and secure a valid visa as well. On his securing it, he must again deposit it with the trial Court as directed in the bail application.

5. Meanwhile, it will suffice if the applicant submits his passport to the Investigating Officer, who after ascertaining its genuineness will place it before the trial Court. If that happens, the applicant is entitled to his enlargement on bail.

6. With this modification of the bail conditions, I dispose of the bail application: The applicant shall submit his passport to the Investigating Officer, who will have it verified by gathering information from the embassy concerned. After that, the IO will place the verified passport before the trial Court. The Court will appreciate if the IO takes all steps to expedite the matter and complete the verification, preferably, in 30 days after the passport is handed over to him.

Thus, this Criminal Application stands disposed of.

DAMA SESHADRI NAIDU, J.

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