

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CRI-52-2020**

Mr Joshua Ebuka Eze

... Petitioner

Versus

State of Goa & Anr.

... Respondents

Shri K. Poulekar, Advocate for the Petitioner.

Shri Gaurish Nagvekar, Additional Public Prosecutor for the Respondents.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 7th OCTOBER 2020****P.C. :**

The applicant is an accused in Crime No.228/2019 before the Calangute Police Station for the alleged offences under Section 21(b) of NDPS Act. The Additional Sessions Judge, Mapusa I, through its order dated 12.02.2020, granted bail to the applicant by imposing conditions. One of the conditions reads thus:

(iii) The applicant shall deposit his original passport and visa with the IO, if not surrendered.

2. As seen from the record, on 13.06.2020 the applicant intimated to the trial Court that his passport had already been attached and kept in the custody of Judicial Magistrate First Class, Mapusa, 'E' Court, in IPC Case No.261/2016. Later, he has filed this criminal application for having the bail condition modified or relaxed.

3. In response to the submissions made by the learned counsel for the applicant, the learned Additional Public Prosecutor, on instructions, confirms that the applicant's passport has already been seized in another

crime. Besides, he also informs the Court that the police have already verified the address proof supplied by the applicant.

4. Under these circumstances, I reckon that the condition no.(iii) need not be insisted upon. It seems condition no.(v) has already been complied with.

5. So, I allow this application. At any rate, if the applicant secures his passport already seized in another offence, he must duly inform the trial Court about it and place it at the trial Court's disposal.

The persons concerned will act on the authenticated copy of this order.

DAMA SESHADRI NAIDU, J.

NH