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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 117 OF 2016
IN
CRIMINAL APPEAL NO. 1100 OF 2011

Ahmed Abdul Muqeet Khan

.. Applicant

Vs.

Union of India and anr.

.. Respondents

Mr. Anil G. Lalla a/w Ms. Monika N. Malkani i/by Lalla and Lalla for applicant.

Ms. Rebecca Gonsalvez for respondent no.1.

Ms. S. V. Sonawane, APP for State.

CORAM: NARESH H. PATIL &
A. M. BADAR, JJ.

MARCH 21, 2016.

P.C.

1. The applicant was acquitted by the learned Special Judge, (N.D.P.S.) Act, Thane in N.D.P.S. Special Case No. 17 of 2007 for offences punishable under Sections 23(c) read with 8(c), Sections 30, 29 and 27A of the Narcotic Drugs and Psychotropic Substances Act by judgment and order dated 12/3/2010. There were in all three accused persons, out of which one was convicted. The Union of India preferred appeal against the order of acquittal before this court. The appeal was admitted by this court.

2. By the present application, the applicant prays for return of passport for filing application for renewal of the same as the passport expired in the year 2006. Learned counsel for the applicant submits that in identical situation, this court had allowed application of co-accused i.e. Abdul Majid Aziz i.e. Criminal Application No. 57 of 2015. The learned counsel appearing for the Union of India submits that necessary conditions were imposed by the Division Bench while allowing Criminal Application No. 57 of 2015.

3. We have perused the order passed by this court in Criminal Application No. 57 of 2015 and we considered the submissions advanced before us. The passport of the applicant was placed on record of the trial court at Exhibit P-67 in the evidence of PW 5 – Yogesh Mishra, Intelligence Office, NCB, Mumbai. We are inclined to allow the present application by directing return of passport to the applicant only for the purposes of renewal of the same.

4. The application is allowed. The passport bearing No. A-0729849 be returned to the applicant for the purposes of renewing the same. The applicant shall furnish written undertaking to this court that the applicant, on the passport being renewed by the passport authorities, shall re-deposit the same in the High Court and that he shall not travel abroad on the basis of the renewed passport without obtaining necessary permission from this court. The undertaking to be furnished within one week from today. On such undertaking being furnished by the applicant, the passport

be returned to the applicant to enable the applicant to renew the same. We further direct that the applicant shall re-deposit the passport in this court, on the passport being renewed by the passport authorities. The applicant shall furnish a photo-state copy of the original passport (Exhibit P-67) with the Registry of this court to be kept preserved in the record.

(A. M. BADAR, J.)

(NARESH H. PATIL,J.)