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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1869/2019**

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..... Petitioner

Through: Mr Maninder Singh, Mr Dinhar
Takiar and Mr Sarthak Garg,
Advocates.

versus

NARCOTICS CONTROL BUREAU & ANR. Respondents

Through: Mr Ajay Digpaul, CGSC with Ms
Rupal Kapoor and Mr Soumava
Karmakar, Advocates for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.11.2019

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a. Issue of Writ/s or Order/s in the Nature of Mandamus, thereby, directing Respondent No. 1 to release / return the passport of the Petitioner, thereby allowing the Petitioner to get his passport renewed by the Singapore Embassy in India;

b. Issue Writ/s or Order/s in the Nature of Mandamus, thereby, directing the Respondents No. 2 to convert the tourist visa of the Petitioner to an work / employment visa, thereby, allowing the Petitioner to work and earn for his livelihood in India.”

2. The petitioner came to India in April, 2010 on a tourist visa. He was arrested on 02.05.2010, while waiting at the airport to board a flight. It is

alleged that certain contraband was recovered from his bag and he was charged of committing an offence under Section 20(b)(ii)(C) and Section 23 read with Section 28 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

3. The petitioner was acquitted of the offences for which he was charged by a judgment dated 22.11.2014. It is stated that he remained in custody from 02.05.2010 to 22.11.2014. The petitioner was, thereafter, placed at the FRRO Camp, Lampur.

4. Respondent no.1 preferred an appeal against the judgment dated 22.11.2014 before this Court and consequently, the petitioner was not permitted to leave this country. He was issued an 'X' category visa, which did not permit the petitioner to take up any employment. The petitioner states that he is a qualified engineer, but has not been permitted to work for more than nine years. It is in this context that the petitioner had filed the present petition.

5. The appeal preferred by respondent no.1 was dismissed by this Court by an order dated 25.11.2019. Consequently, there is now no impediment in the petitioner being permitted to exit this country.

6. Respondent no.1 is directed to return the petitioner's passport forthwith. The petitioner may undertake all formalities for exiting the country in accordance with law. Respondent no. 2 (FRRO) shall process the petitioner's application without any delay.

7. In view of the above, it is not necessary to consider the petitioner's request for modification of the category of the visa granted to him, as he is now required to leave this country.

8. The petition is disposed of with the aforesaid observations.
9. Order *dasti* under signatures of the Court Master.

NOVEMBER 26, 2019
MK

VIBHU BAKHRU, J