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

+ **W.P.(CRL) 2146/2019**

BATHLOMEW LKECHUKWU @ CHARLES Petitioner

Through Mr Anoop Gupta, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through Mr Anil Soni, CGSC with Mr Devesh
Debey, Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.01.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an action of the respondents in detaining the petitioner in a deportation camp in Sewa Sadan, Lampur Border, Narela, Delhi.
2. The petitioner is a Nigerian citizen and was arrested on 04.12.2014 by the Narcotics Drugs Control Bureau, Bengaluru (NCB). The petitioner was charged for the offence of possessing narcotics without a valid licence or permit for the same. The petitioner was tried by the Court of Additional Sessions Judge, Bengaluru and by a judgment dated 20.07.2018, was acquitted of the offences for which he was charged. NCB has filed an appeal (Crl. Appeal No. 2060/2018) against the said judgment, which is pending before the Hon'ble High Court of Karnataka. This Court is informed that notice in the said appeal has been issued; however, the notice remain

unserved as the petitioner is in custody of the FRRO.

3. Plainly, the petitioner cannot be detained indefinitely. Even if it is found that the petitioner's presence is required in India on account of the appeal filed by NCB, an appropriate visa is required to be issued to him.

4. The petitioner has been in the said deportation camp since 03.12.2018. The petitioner is either required to be issued a visa or is required to be deported. In any event, he cannot remain in a deportation camp indefinitely.

5. In such circumstances, this Court considers it apposite to direct the respondent to take an informed decision either to deport the petitioner or to release him after providing him the proper visa, within a period of three months from today. This is subject to any order that may be passed by the Hon'ble High Court of Karnataka in Appeal No. Crl. 2060/2018.

6. In the event the respondents require to detain the petitioner for a further period on account of the appeal filed by NCB before the Hon'ble High Court of Karnataka, it would be essential for them to secure appropriate orders in this regard from that Court.

7. The petition is disposed of with the aforesaid orders.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 30, 2020

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