

Jose

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO.69 OF 2021
WITH
CRIMINAL APPEAL NO.725 OF 2021 (F)

MONDAY FELIX ODEDE,
PRESENTLY LODGED AT COLVALE
MODERN JAIL, COLVALE

... Applicant.

Versus

STATE AS REP. BY THE
OFFICER IN CHARGE, ANTI
NARCOTIC CELL, PANAJI
AND ANR.

... Respondents.

Ms. Carolline Collasso, Advocate *for the Applicant.*

Mr. S.G. Bhobe, Public Prosecutor *for the Respondent-State.*

Coram: MANISH PITALE, J.

Date: 22nd December 2021.

P.C.:

1. In this case, appeal filed by the Applicant against his conviction and sentence imposed upon him under section 22(b) of the NDPS Act is already admitted.

2. Notice was issued in the present bail application. It is pointed out that the Applicant has already undergone more than half the period of sentence imposed upon him and that, therefore, he is entitled to grant of bail.

3. The learned Public Prosecutor submits that even if the Applicant is granted bail, appropriate conditions need to be imposed upon him, in the backdrop of the fact that the copy of the passport annexed with the application shows that the passport expired as far back as on 28.09.2009. There is nothing to show that a valid passport in the name of the Applicant is existing. In these circumstances, the learned Public Prosecutor has invited the attention of this Court to Order dated 30.11.2021 passed by this Court in Criminal Misc. Application (Bail) No.31 of 2021 (Filing) and connected applications wherein stringent conditions have been imposed on the applicants while granting bail. It is submitted on behalf of the Respondent-State that similar conditions may be imposed in the present case also.

4. In view of the above, the application is allowed in the following terms:-

(a) The Applicant shall be released on bail on furnishing PR bond of Rs.1,00,000/- and producing surety of the like amount to the satisfaction of the Registrar of this Court.

(b) The release of the Applicant shall be subject to production of valid passport and visa. Since passport and visa can be applied online, as informed by the learned Public Prosecutor, the Applicant will have to apply for the same from jail. The Respondent-State authorities shall provide assistance to the

Applicant. But it is made clear that without producing valid passport and visa, the Applicant shall not be released on bail.

(c) Upon producing such valid passport and visa, the Applicant shall place copy thereof before this Court.

(d) The Applicant shall register himself on the basis of such valid passport and visa, with the Foreigners Regional Registration Office (FRRO) at Goa, within two weeks of his release.

(e) The Applicant shall use sim card for mobile phone that is obtained on the basis of such valid passport and visa issued in his favour and he shall give the details of such contact number before this Court at the earliest.

(f) The Applicant shall inform the place of his residence to this Court with valid proof thereof and report and changes in the same immediately with appropriate proof each time before the Court. If the Applicant fails to provide such details, he shall be kept in detention centre(s) established by the Respondent-State.

(g) The Applicant shall file affidavit before the Court within two weeks of his release on bail, stating the source of his funds and source of his income in this Country, giving the details of

legal channels including Bank accounts through which he would be operating his finances.

(h) The Applicant shall report to the Anti Narcotic Cell Police Station on the first Monday of every month during the pendency of the appeal.

5. Needless to say, the violation of any of the aforesaid conditions would make the Applicant liable for cancellation of bail.

6. The State shall take appropriate steps for issuance of lookout circulars in respect of the Applicant, so that he does not attempt to flee this Country through ports of exit.

MANISH PITALE, J.