IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19483 of 2024

CNR No. BRHC011181872024

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Umar Faruque Saifi Son of- Ali Mohammad Saifi @ Ali Mohammad Miyan Resident of Mohalla- Ward No. 02, Saifi Nagar, Gurwalia, P.S.- Manuapul, District- West Champaran.

... ... Petitioner/s

Versus

1. The Union of India Through Secretary Ministry Of External Affairs Department, Government Of India, Delhi.
2. The Director, Ministry Of External Affair Department, Government Of Bihar, Patna.
3. The Regional Director, Regional Passport Office, Patna having his Office 2nd and 3rd Floor, Block-D, Maurya Complex, Patna.
4. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
5. The Director General of police, Bihar, Patna
6. The Inspector General of Police, Tiruhut Division, Muzaffarpur.
7. The Deputy Inspector General of police, Tiruhut Division, Muzaffarpur.
8. The Superintendent of Police, Bettiah, West Champaran.
9. The Sub-Divisional Police Officer Sadar, Bettiah, West Champaran.
10. The S.H.O. Manuapul (Muffasil) Police Station, Bettiah, West Champaran.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.13, Advocate Mr. Rohit Kumar, Advocate Mr. Umesh Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Prakash Chandra Agrawal, GA-5 Mr. Abhiyuday Anand, JC to GA-5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 19-11-2026

Heard learned Counsel for the petitioner and learned Counsel for the State.

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2. The present writ petition has been filed by the petitioner with the following reliefs:-

> *"(i) For issuance of writ/s, order/orders, direction/s, in the nature of mandamus commanding the respondent to issue passport in favour of the petitioner on the petition filed by the petitioner bearing petition no. PA27C4001436424 (File No. PA27C4001436424) whereby and whereunder the passport was not issued by the authorities concern due to a criminal case bearing Muffasil (Manuapul) P.S. Case No. 421 of 2017 is pending against the petitioner.*
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> *(ii) For any other relief/reliefs as the petitioner is entitled for in the fact and circumstances of the case."*

3. Learned Counsel for the petitioner submits that petitioner is a poor person and wants to work outside the country for his livelihood as he has to maintain his four minor child, wife and old aged parents. Counsel further submits that in the year 2020, the petitioner filed an application for issuance of passport in his favour and in the police verification it was

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found that a criminal case is pending against him and it is due to this reason, respondent No.3, the Regional Director, Regional Passport Office, Patna, denied to issue passport to the petitioner. Counsel further submits that the petitioner has been made accused in a case where total 65 persons were made accused. Counsel submits that the petitioner had approached to the higher authority and requested to investigate the matter but without recording the statement of the appropriate witnesses charge sheet has been submitted. Counsel further submits that one of the relative of the petitioner was working in foreign and due to the reason the petitioner is also interested to visit foreign for his livelihood. He further submits that upon receipt of the verification report from the concerned official, it was found that a criminal case is pending against the petitioner and, therefore, passport has not been issued in his favour and a clarification was also demanded regarding issuance of passport facility. Counsel submits that due to petitioner's implication in false case, his passport was denied. He submits that the closure notification for his passport has been received and this creates cause of action for the petitioner to move before this Court. Counsel relied on judgment of **Salim Khan Vs. Union of India through Secretary, Ministry of External Affairs and**

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Others decided by Misc. Bench No.31723 of 2018 in which liberty was granted to the petitioner of the said writ in the light of G.S.R., a notification issued by Government of India, Ministry of External Affairs G.S.R. 570(E) dated 25th of August, 1993, in which it has been held that the applicability of Section 22 of the Passport Act, 1967 (15 of 1967) with regard to complete debar from filing for passport is not absolute rather under certain conditions the passport may be issued to the citizen. Counsel further submits that Section 22(a) of the Passport Act, 1967 is necessary to be interpreted in positive spirit and respondent be directed to entertain the representation of the petitioner towards issuance of passport considering the notification, i.e., G.S.R. 570(E) dated 25th of August, 1993.

4. Learned Counsel for the State, on the other hand, opposes the prayer and submits that passport to the petitioner may not be issued due to the reason that in the said FIR charge sheet has been submitted against the petitioner and petitioner is an accused in criminal case. He further submits that provision of Act as laid down in the Passports Act, 1967 shall prevail and it is not the notification.

5. In view of the submissions advanced by the

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learned counsel for the respective parties and upon perusal of the materials available on record, it transpires that a criminal case is admittedly pending against the petitioner, in which he is arrayed as an accused. It further transpires that the charge-sheet has already been filed against the petitioner and the matter is pending before the competent Trial Court. Upon consideration of the relevant provisions of the Passports Act, 1967, particularly Section 6(2)(f) thereof, this Court finds that the said provision contemplates refusal to issue a passport or travel document for visiting any foreign country where proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal Court in India. Section 6(2)(f) of the Passports Act, 1967 reads as follows:

> *"6 (2)(f)- Refusal of passports, travel documents, etc.-*
>
> *(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India;"*

6. Upon perusal of the aforesaid provision, this Court finds that the statutory provision relied upon by the petitioner is not applicable to the facts and circumstances of the present case. The judgment relied upon by the petitioner is, therefore,

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distinguishable on facts and does not advance the petitioner's case. Accordingly, this Court finds no merit in the present writ petition. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Date of Pronouncement	19.11.2026
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