Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.25 OF 2026

ROQUE @ ROCKY FERNANDES, PRESENTLY LODGED JUDICIAL CUSTODY COLVALE ... PETITIONER

Versus

INSPECTORATE GENERAL OF PRISON AND ANR ... RESPONDENTS

Mr Pavithran A. V., with Mr. Prasad Kholkar, Mr Shudhanshu Kumar and Ms Tina Halankar, Advocates for the Petitioner.
Mr. Somnath Karpe, Additional Public Prosecutor with Mr Anand Shirodkar and Ms Sonali Gaonkar, Advocates for the Respondents.

CORAM:- S. G. CHAPALGAONKAR, J.

DATED :- 13th October, 2026

P.C.:

1. The Petitioner impugns orders dated 20.02.2025 and 25.02.2025 passed by Respondent No. 1, thereby declining Petitioner's prayer for release on parole. Petitioner is convicted for offence punishable under Sections 8(c) and 22(c) of NDPS Act, 1985 and sentenced to undergo 10 years rigorous imprisonment in Special Criminal Case No.22/2015. Petitioner is languishing in jail since the date of his conviction. The conviction and sentence imposed by the Special Court have been affirmed by this Court in Criminal Appeal No.5 of 2023 as well as the Supreme Court in SLP (Cri) Diary No.49840/2023.

2. The Petitioner filed application for regular parole. The impugned order suggests that Petitioner's application has been rejected firstly on the ground that he is under-trial prisoner and two NDPS cases are pending against him. Secondly, he is convicted under NDPS Act. Therefore, there is a bar to grant parole in terms of Rule 1205 of Goa Prisons Rules, 2021.

3. Learned Advocate appearing for Petitioner points out that out of two NDPS cases, which are referred to in the impugned order, the Petitioner has been acquitted in NDPS case No.31/2014 by judgment and order dated 17th July 2026 by Sessions Judge. In other NDPS case, he has already been enlarged on bail. Therefore, bar contemplated under Rule 1203 could not operate. Secondly, Rule 1205 cannot be considered as absolute bar for grant of parole. It is true that Authority will have to satisfy about special circumstance for grant of parole.

4. Needless to mention here that long incarceration along with object of parole would also be one of special circumstances that need to be looked into by Authority while considering application for parole. In the present case, Petitioner is behind bars for more than seven years and once Petitioner was released on temporary bail and he surrendered back in compliance with the order. In aforesaid circumstances, it would be just and proper in the

interest of justice, if the Petitioner is relegated back to the Respondent- Authority for reconsideration of his application in view of observations made herein above.

5. In result, writ petition is partly allowed. Petitioner shall be at liberty to file a fresh application for parole within a period of two weeks from today. In case such an application is filed, Respondent -Authority shall consider the same afresh without being influenced by observations made in the impugned order and in light of observations made herein above. Respondent No.1 - Authority shall endeavour to decide the Petitioner's parole application within a period of eight weeks from today.

6. Criminal Writ Petition stands disposed of in the aforesaid terms.

S. G. CHAPALGAONKAR, J.

Signed by: TARI AMRUT NAGESH
Designation: Private Secretary
Date: 13/10/2026 17:33:51