

CRIMINAL MISC. APPLICATION NO. 116 OF 2004.

Amit Dakar,
presently lodged in
Judicial Lock-Up,
Panaji, Goa.

... Applicant.

Versus

State of Goa,
As represented by
Officer-in-Charge,
Anti Narcotic Cell
Police Station,
Panaji, Goa.

... Respondent.

Mr. J.P. D'Souza, Advocate for the Applicant.

Mr. S.N. Sardessai, Public Prosecutor for the
State/Respondent.

CORAM: N.A. BRITTO, J.

DATE: 12TH MAY, 2004.

ORAL ORDER:

Heard learned Advocate Shri J.P. D'Souza on behalf of the Applicant-Accused and learned P.P. Shri S.N. Sardessai on behalf of the respondent, on the application dated 23.4.2004, filed on behalf of the said accused for bail.

The Applicant/Accused was arrested on 12.4.2004 and is now involved in ANC.P.S.CR. No.07/2004 under Section 20(b)(ii)(B) of N.D.P.S. Act, 1985. The allegation against the said accused is that the accused was found with 10 gms of charas on

his person and 0.6 gms of cocaine and 152 gms of charas in the house rented out to him.

3. The said accused having approached the learned Special Judge, Mapusa, for bail, his application for bail has been rejected by Order dated 19.4.2004. The main ground on which the said application has been rejected is that the accused is a foreign national and those foreign nationals who have been released on bail have invariably jumped bail. Learned P.P. Shri Sardessai, has submitted that in case the accused is sought to be released on bail, then a local surety be insisted upon.

4. On the other hand, Shri D'Souza has submitted that several accused who are foreign nationals and who were ordered to be released by this Court, several of them have been attending the Court, regularly. Shri Sardessai has also filed a letter dated 5.5.2004 of the Police Inspector of Anti Narcotic Cell, Panaji which states that three of the accused who were released on bail by this Court during the year 2003-2004, have been attending the Court regularly, one of them being an Italian National and two of them being Indian Nationals.

5. This Court in its Order dated 31.12.2003 in

Cr.M.A. No.292/2003 has already taken a view that the apprehension of the prosecution that the accused being a foreigner will not be available for trial could be taken care of by imposing stringent conditions. Only because the accused is a foreigner, the accused cannot be denied bail, but his presence for the trial could be secured by imposing adequate conditions. I am also informed that the trial of the accused is likely to take some time.

6. In the circumstances, therefore, I am inclined to allow the application for bail on the following conditions:-

(i) The accused shall be released on bail upon execution of a Personal Bond of Rs.50,000/- with one local surety in the like amount to the satisfaction of the Trial Court. The accused to deposit Rs.50,000/- in lieu of execution of the Personal Bond. In addition, the accused to provide a local surety in the sum of Rs.50,000/-.

(ii) The accused to surrender his Passport before the Special Judge, N.D.P.S. Court, Mapusa.

(iii) The accused to report to the I.O. every

week until the filing of the charge-sheet.

(iv) The accused to file before the Special Judge, N.D.P.S. Court, Mapusa the address where notices or processes could be served upon him and shall not leave the jurisdiction of the said Court without its prior permission.

(v) Any change of address to be notified to the Special Judge of the said Court.

(vi) The accused to report to the I.O. at 10.00 a.m. on every Tuesday of the week. The accused not to directly or indirectly interfere with the witnesses.

(vii) The accused to execute the Bond with the above conditions to the satisfaction of the learned Special Judge, N.D.P.S. Court, Mapusa.

N.A. BRITTO, J.

sl.