

कार्यालय प्रधान जिला एवं सत्र न्यायाधीश दतिया (म.प्र.)

पृष्ठंकन क्रमांक : 405/एक-6-1/1992

दिनांक: 18.02.2025

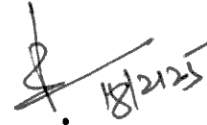
प्रतिलिपि :

समस्त न्यायाधीशगण,

दतिया / सेंवढ़ / भाण्डेर

की ओर माननीय उच्च न्यायालय म.प्र. जबलपुर के ज्ञापन क्रमांक सी/1310 जबलपुर दिनांक 17.02.2025 के संलग्न प्राप्त माननीय भारत के सर्वोच्च न्यायालय नई दिल्ली द्वारा आपराधिक अपील क्रमांक 2814-2815/2024 उन्मान फेंक वाइटस विरुद्ध नारकोटिक्स कंट्रोल ब्यूरो (स्वापक नियंत्रण ब्यूरो) एवं अन्य में पारित आदेश दिनांक 06.01.2025 की प्रति ई-मेल के माध्यम से सूचनार्थ, पालनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

संलग्न:- उपरोक्तानुसार।


प्रधान जिला एवं सत्र न्यायाधीश
दतिया (म.प्र.)



HIGH COURT OF MADHYA PRADESH: JABALPUR

No. 11310...../ Jabalpur, dated 17/02/2025
III-1-5/57-Ch.-IV

To,

The Principal District and Sessions Judge(s),
All in the State (M.P.)

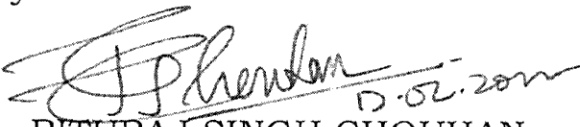
Subject:- Compliance of directions of Hon'ble the Supreme Court of India Order dated 06.01.2025 passed in Criminal Appeals No. 2814-2815 of 2024 in the case titled "Frank Vitus Vs. Narcotics Control Bureau and Ors."

Sir/Madam,

Please find enclosed herewith a copy of the Order passed by Honourable the Supreme Court of India dated 06.01.2025 in **Criminal Appeals Nos. 2814-2815 of 2024** in the case titled "*Frank Vitus Vs. Narcotics Control Bureau and Ors.*".


As directed, I request you to bring the same into the knowledge of all the Judicial Officers/all Criminal Court(s) under your kind control for information, compliance and necessary action.

Encl:- As above.


RITURAJ SINGH CHOUHAN
REGISTRAR District Establishment

Endt. No. 11311...../ Jabalpur, dated 17/02/2025
III-1-5/57-Ch.-IV

Copy forwarded to Registrar (J-I) for information and appropriate action.

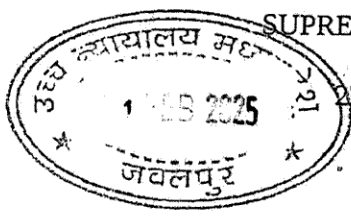

RITURAJ SINGH CHOUHAN
REGISTRAR District Establishment

S.W.
17/02/25
et: 5-40 P.M.

489

All Communications Should be Addressed to Registrar by Designation and not by Name.
Pin Code - 110001

SPEED POST
D. No. 6687/2023
SEC-II-C



SUPREME COURT OF INDIA
NEW DELHI
22nd January, 2025

From:
The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

- 1 THE REGISTRAR GENERAL,
HIGH COURT OF ANDHRA PRADESH AT
AMRAVATI,
ANDHRA PRADESH PID: 4564/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 2 THE REGISTRAR GENERAL,
HIGH COURT FOR THE STATE OF
TELANGANA AT HYDERABAD,
TELANGANA PID: 4565/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 3 THE REGISTRAR GENERAL,
GAUHATI HIGH COURT,
DISTRICT- GUWAHATI, ASSAM PID: 4567/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 4 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT PATNA,
BIHAR PID: 4568/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 5 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
BOMBAY,
DISTRICT- MUMBAI, MAHARASHTRA PID: 4569/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 6 THE REGISTRAR GENERAL,
HIGH COURT OF CHHATISGARH AT
BILASPUR,
CHHATTISGARH PID: 4570/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 7 THE REGISTRAR GENERAL,
HIGH COURT OF DELHI AT NEW DELHI,
NEW DELHI PID: 4571/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 8 THE REGISTRAR GENERAL,
HIGH COURT OF GUJARAT AT
AHMEDABAD,
GUJARAT PID: 4572/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 9 THE REGISTRAR GENERAL,
HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA,
HIMACHAL PRADESH PID: 4573/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)
- 10 THE REGISTRAR GENERAL,
HIGH COURT OF JAMMU & KASHMIR
AND LADAKH AT JAMMU,
JAMMU & KASHMIR PID: 4574/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)

all
Registrar General
High Court of M.P.
Jabalpur
11 FEB 2025
y. (J-I) / Reg. (DE)

DAF
6-1
High Court of Madhya
JABALPUR

- 5 FEB 2025
Reg No. 6145-28
H

Bo (checked)

- 11 THE REGISTRAR GENERAL,
HIGH COURT OF JHARKHAND AT
RANCHI,
JHARKHAND
PID: 4575/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 12 THE REGISTRAR GENERAL,
HIGH COURT OF KARNATAKA AT
BENGALURU,
KARNATAKA
PID: 4576/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 13 THE REGISTRAR GENERAL,
HIGH COURT OF KERALA AT
ERNAKULAM,
KERALA
PID: 4577/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 14 THE REGISTRAR GENERAL,
HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR,
MADHYA PRADESH
PID: 4578/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 15 THE REGISTRAR GENERAL,
HIGH COURT OF ORISSA AT CUTTACK,
ORISSA
PID: 4579/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 16 THE REGISTRAR GENERAL,
HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH,
PUNJAB
PID: 4580/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 17 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR,
RAJASTHAN
PID: 4581/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 18 THE REGISTRAR GENERAL,
HIGH COURT OF SIKKIM AT GANGTOK,
SIKKIM
PID: 4582/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 19 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
MADRAS AT CHENNAI,
TAMIL NADU
PID: 4583/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 20 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
ALLAHABAD,
UTTAR PRADESH
PID: 4584/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 21 THE REGISTRAR GENERAL,
HIGH COURT OF UTTARAKHAND AT
NAINITAL,
UTTARAKHAND
PID: 4585/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 22 THE REGISTRAR GENERAL,
HIGH COURT AT CALCUTTA,
WEST BENGAL
PID: 4586/2025 IN CRL.A. NO.2814-
2815/2024 (SEC II-C)
- 23 THE REGISTRAR GENERAL,
HIGH COURT OF MANIPUR AT IMPHAL,

MANIPUR

PID: 4587/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)

24 THE REGISTRAR GENERAL,
HIGH COURT OF MEGHALAYA,
MEGHALAYA

PID: 4588/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)

25 THE REGISTRAR GENERAL,
HIGH COURT OF TRIPURA AT
AGARTHALA,
TRIPURA

PID: 4589/2025 IN CRL.A. NO.2814-2815/2024 (SEC II-C)

CRIMINAL APPEAL No: 2814-2815 OF 2024

FRANK VITUS

... Appellant(s)

Versus

NARCOTICS CONTROL BUREAU
AND OTHERS

... Respondent(s)

Sir,

I am directed to forward herewith, a certified copy of the Signed Reportable Judgment dated 06th January, 2025 of this Hon'ble Court in the matter above-mentioned for your information, necessary action and compliance.

You are also requested to send copy of Judgment dated 06.01.2025 to remaining Benches of High Court and all the criminal courts in your respective States.

Please acknowledge receipt.

Yours faithfully,

Am
27/1/2025
ASSISTANT REGISTRAR





2025 INSC 30

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

25011359

CRIMINAL APPEAL NOS. 2814-2815 OF 2024

FRANK VITUS

...APPELLANT

Versus

**NARCOTICS CONTROL BUREAU
AND ORS.**

...RESPONDENTS

ORDER

ABHAY S. OKA, J.

Certified to be true copy
Assistant Registrar (Judl.)
(8/27/11/2025)
Supreme Court of India

FACTUAL ASPECTS

1. By judgment and order dated 08th July, 2024, two main issues concerning bail conditions were decided. Now, the issue that remains to be answered is whether it is necessary to implead a Foreign Registration Officer appointed under Rule 3 of the Registration of Foreigners Rules, 1992 (for short 'the Rules') in the bail application filed by a foreigner within the meaning of the Foreigners Act, 1946 (for short 'the Act'). Under Section 2(a) of the Act, a foreigner means a person who is not a citizen of India.

Signature Not Verified
Digitally signed by
ASHISH KUMAR
Date: 2024.07.08
10:43:27.18
Reason:

2. Under Section 3 of the Act, there is a power vested in the Central Government to issue an order making provisions either generally or concerning any particular foreigner or class of foreigners of prohibiting, regulating or restricting the entry of foreigners into India or their departure therefrom or their presence or continued presence. Under clause (g) of Section 3(2), a power has been conferred on the Central Government to issue an order directing that a foreigner shall be arrested or detained or confined.

3. In the exercise of the power conferred under Section 3 of the Act, the Foreigners Order, 1948 (for short, 'the Order') has been issued. Clause 2(2) of the Order provides for appointing a Civil Authority by the Central Government. Clause 5 of the Order deals with the power to grant permission to depart from India. Clause 5¹ of the Order reads thus:

"5. Power to grant permission to depart from India.

(1) No foreigner shall leave India:-

(a) otherwise than at such port or other recognised place of departure on the borders of India as a Registration Officer having jurisdiction at that port or place may appoint in this behalf, either for foreigners generally or for any specified class or description of foreigners; or

(b) without the leave of the civil authority having jurisdiction at such port or place.

(2) Leave shall be refused if the civil authority is satisfied that

- (a) the foreigner has failed to comply with the formalities of departure prescribed under the Registration of Foreigners Rules, 1939;
 - (b) the foreigners presence is required in India to answer a criminal charge;**
 - (c) the foreigners departure will prejudice the relations of the Central Government with a foreign power;
 - (d) the departure of the foreigner has been prohibited under an order issued by a competent authority.
- (3) (a) Notwithstanding anything contained in the above sub-paragraphs, a civil authority may prohibit the departure of a foreigner where it is satisfied that such departure would not be conducive to the public interest.
- (b) Whenever a civil authority issues an order under clause (a), it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit."

(emphasis added)

Under sub-clause (2) of clause 5, leave must be refused by the Civil Authority if it is satisfied that the foreigner's presence is required in India to answer a criminal charge.

4. Shri Vinay Navare, learned senior counsel appointed as Amicus Curiae, has suggested that considering the powers vested in Civil Authorities under the Order, it will be appropriate to direct that while considering the prayer for granting bail in case of a foreign national who is accused of serious offences, a notice should be issued to the Civil

Authority so that the said authority can be heard on the prayer for grant of bail and on bail conditions, in the event the court is inclined to grant bail. Shri. Vikramjeet Banerjee, learned Additional Solicitor General of India has also submitted that it is always advisable to give notice of the bail application to the authorities under the Act and the Rules.

5. Under clause (b) of Section 3(2) of the Act, there is a power vested in the Central Government to issue an order generally or with respect to any particular foreigner or class of foreigners that they shall not depart from India or shall depart subject to observance of such conditions on departure as may be prescribed. The Rules do not impose any such restriction on departure from India. However, as noted earlier, according to clause 5(1)(b) of the Order, no foreigner shall leave India without the leave of the Civil Authority having jurisdiction. When a foreigner's presence is required in India to answer a criminal charge, permission to leave India must be refused. Under the Order, the Civil Authority can impose restrictions on the movements of a foreigner. Therefore, once a foreigner is released on bail, he cannot leave India without the permission of the Civil Authority, as provided in clause 5 of the Order. Under clause 11 and other clauses of the Order, various restrictions can be imposed on a foreigner while he is in India. The said power is wholly independent of the power to grant bail. As of today, there is no order passed by the Central Government for giving effect to clause (g) of Section 3(2) of the Act. In any event, even if such an order is issued, the power to arrest or detain a foreigner under the Act is independent of the power of the criminal court to grant bail. Notwithstanding the bail granted by a criminal court, the power to arrest and detain

a foreigner can be exercised, provided the Central Government makes an order in terms of clause (g) of Section 3(2) of the Act.

6. Therefore, we do not see any propriety in issuing a direction that either the Civil Authority or the Registration Officer should be made a party to a bail application filed by a foreigner or a notice of the bail application be issued to the said authorities. The reason is that the authorities under the Act and the Order have no locus to oppose bail application filed by a foreigner unless bail is sought where the allegation is of the offence punishable under Section 14 of the Act. The impleadment of the Civil Authority or Registration Officer in all bail applications filed by foreigners may result in unnecessary delay in deciding the bail applications.

7. All that can be done is that while releasing a foreigner on bail, the Court should direct the investigating agency or the State, as the case may be, to immediately inform the concerned Registration Officer appointed under Rule 3 of the Rules about the grant of bail so that the Registration Officer can bring the fact of the grant of bail to the notice of concerned Civil Authority.

8. In addition to what we held by judgment and order dated 08th July, 2024, we issue the following directions:

- (i) While granting bail to a foreigner within the meaning of the Act, the concerned court shall issue direction to the State or prosecuting agency, as the case may be, to immediately communicate the order granting bail to the concerned Registration Officer appointed under Rule 3 of the Rules who, in turn, shall communicate the order to all concerned authorities including the Civil Authorities. If such information is furnished, it

will enable the authorities under the Act, the Rules and the Order to take appropriate steps in accordance with the law; and

- (ii) A copy of this order shall be forwarded to Registrar Generals of all the High Courts, who in turn will forward the copies of the order to all the criminal courts in the respective States.

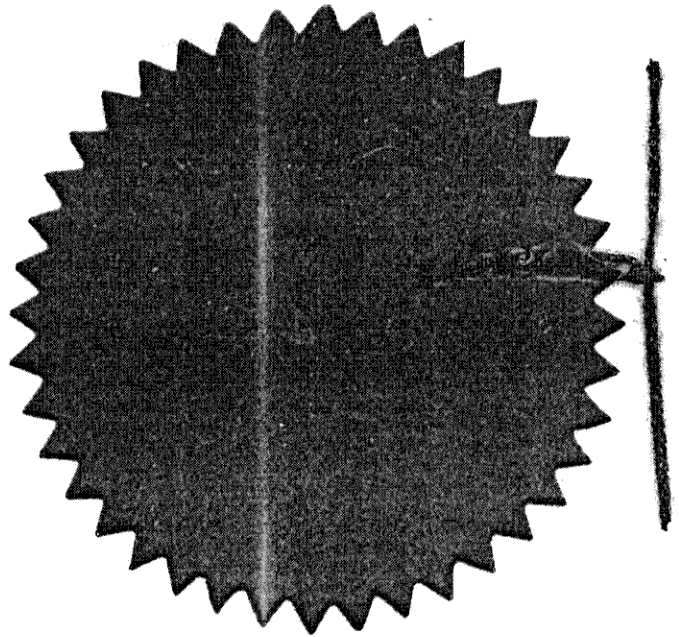
9. The Criminal Appeals shall be treated as disposed of in terms of the judgment and order dated 08th July, 2024 and this order.

10. We appreciate the valuable assistance rendered by Shri Vinay Navare, learned senior counsel appointed as Amicus Curiae and Shri Vikramjeet Banerjee, learned Additional Solicitor General of India.

.....J
[ABHAY S. OKA]

.....J
[UJJAL BHUYAN]

**NEW DELHI,
JANUARY 06, 2025**



SE-LED IN MY PRESENCE

