

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:

**Smt.Sulekha M.,Special Judge, Special Court for the trial of
Offences under the SC/ST(POA) Act
Full Addl.Charge of Addl.Dist.& Sessions Judge-VIII,
Ernakulam.**

Thursday, the 19th day of March, 2026/28th Phalguna 1947

CrI MP No.04/2026

in

SC No. 859/2023

(Crime No.350/2022 of Infopark Police Station)

Petitioner/ Accused No.2:-

Muhammad Ansari, S/o.Abdul Majeed,
aged 22 years, Puthuvadathayil House,
Pillakkad, Guruvayoor, Thrissur.

By Adv. Isac Sanjay

Respondent/Complainant:-

State of Kerala represented by the
Addl.Public Prosecutor,
District and Sessions Court ,
Ernakulam.

By Special Public Prosecutor Adv.Sri.

This petition filed by the petitioner to stay in UAE for a period of two years.

This petition coming on for hearing before me on 18.03.2026 and the court
on 19.03.2026. passed the following:-

ORDER

This application is filed by the 2nd accused in crime No. 350/2022 of
Infopark Police Station for granting stay in UAE for a period of two years.

2. It is respectfully submitted by the petitioner that the petitioner herein is the Accused No. 2 in S.C. No. 859 of 2023 arising out of Crime No. 350/2022 of Info Park Police Station, registered for alleged offences punishable under Sections 20(b)(i)(B), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. The Petitioner was arrested during the course of investigation and was subsequently released on bail by this Hon'ble Court in Crl. M.C. No. 1208/2022 as per order dated 28-05-2022, subject to stringent conditions. One of the specific conditions imposed by this Hon'ble Court (Condition No. 7) required the petitioner to surrender his passport before this Hon'ble Court, which direction the Petitioner complied and has been scrupulously complying with all the bail conditions imposed upon him and has not committed any violation whatsoever since the date of his release on bail.

4. It is submitted that this Hon'ble Court, by order dated 07-03-2023 in C.M.P. No. 130/2023, was pleased to release the passport of the petitioner and permit him to travel abroad for the specific purpose of securing and continuing lawful employment. Pursuant to the said order, the petitioner travelled to Qatar and was gainfully employed there. Subsequently, upon the expiry of the said period, the petitioner approached this Hon'ble Court again by filing C.M.P. No. 959/2024

seeking permission for continued stay and employment abroad. This Hon'ble Court, being satisfied with the conduct and compliance of the petitioner, was pleased to allow the said petition and permitted him to continue to stay and work in Qatar for a further period of one year, from 20-03-2024 to 20-03-2025.

5. Thereafter, once again, the petitioner approached this Hon'ble Court by filing C.M.P. No. 1121/2025 seeking extension of the said permission for employment abroad. This Hon'ble Court, by order dated 19-03-2025, was pleased to grant permission to the petitioner to continue his employment abroad for a further period of one year, from 20-03-2025 to 20-03-2026. It is submitted that on each of the above occasions, the release of the passport was sought solely for the purpose of lawful employment abroad, and the same was granted by this Hon'ble Court after due consideration.

6. It is submitted that the Petitioner has now secured a lawful employment opportunity in the United Arab Emirates. He has received a formal Offer of Employment from M/s. Hady Fabrication Metal Works LLC, Ajman, UAE, for the position of Sales and Technician (Technical Works). The said employment is full-time and contractual in nature. The petitioner respectfully submits that he is intending to now relocated from Qatar to Ajman, UAE, solely for the purpose of continuing his lawful employment.

7. It is further submitted that pursuant to his lawful employment, the petitioner has completed all statutory and immigration formalities under the laws of the United Arab Emirates. Further, the Petitioner has been granted a valid Work Permit issued by the Ministry of Human Resources & Emiratization, Government of United Arab Emirates . The petitioner undertakes that he will not misuse the liberty granted by this Hon'ble Court and will appear before the Hon'ble Court whenever his personal presence is required. In the present case, an intermediate quantity of contraband was allegedly seized. The petitioner not involved in any other case. The petitioner's parents reside in Guruvayur, Thrissur District, and his roots are in Kerala.

8. In the above circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to permit the petitioner/accused No. 2 to reside and work in the United Arab Emirates for a period of two years commencing from 20-03-2026; allow the petitioner to retain and use his passport for the said period for the purpose of lawful employment abroad; pass such other orders and impose such additional conditions as this Hon'ble Court may deem fit and proper in the interest of justice.

9. Heard, the learned counsel appearing for the petitioner and the learned Public Prosecutor. The prosecutor has raised objection in the petition.

10. The petitioner, who is the 2nd accused in S.C. No. 859 of 2023, seeks permission to reside and work in the United Arab Emirates for a period of two years. The offences alleged against the petitioner are under Sections 20(b)(i)(B), 22(b) and 29 of the NDPS Act. It is true that the allegations pertain to offences under the NDPS Act, which are serious in nature. At the same time, it is to be noted that the quantity allegedly involved in the present case is of intermediate nature and not commercial quantity.

11. The records reveal that the petitioner was arrested during the investigation and was later released on bail subject to stringent conditions. One of the conditions imposed was the surrender of passport, which the petitioner has complied with. Subsequently, this Court had, on earlier occasions, permitted the petitioner to travel abroad and continue his employment. It is significant to note that the petitioner was granted permission to work abroad on three occasions and had been residing outside India during the permitted periods.

12. There is nothing on record to show that the petitioner has violated any of the bail conditions or misused the liberty granted by this Court during the earlier periods when he was permitted to stay abroad. On the contrary, the conduct of the petitioner indicates that he has strictly adhered to the conditions imposed and has returned or sought extension through proper legal channels before the expiry of the permitted period.

13. The petitioner has now secured a lawful employment opportunity in the United Arab Emirates and has produced materials to substantiate the same, including employment offer and work permit issued by the competent authority of the UAE. The purpose of travel, therefore, appears to be genuine and for lawful employment.

14. The learned Public Prosecutor opposed the petition, contending that the petitioner is facing trial in a serious offence under the NDPS Act and that permitting him to reside abroad for a long duration may affect the progress of the trial and his availability before the Court.

15. While the objection raised by the prosecution deserves due consideration, this Court cannot ignore the fact that the petitioner has already been granted similar permissions in the past and has not misused the same. The apprehension of the prosecution can be adequately safeguarded by imposing appropriate and stringent conditions to ensure the presence of the petitioner as and when required.

16. The right to livelihood is a facet of the fundamental rights guaranteed under the Constitution, and in appropriate cases, the Courts have permitted accused persons on bail to travel abroad for employment, subject to safeguards. In the present case, the petitioner has established bona fides and has demonstrated a consistent record of compliance.

17. Considering the totality of the circumstances, including the nature of allegations, the previous conduct of the petitioner, the genuineness of the employment opportunity, and the possibility of securing his presence by imposing conditions, this Court is of the view that the petition can be allowed with appropriate safeguards.

In the result, petition is allowed

1. The petitioner/2nd accused is permitted to reside and work in the United Arab Emirates for a period of two years with effect from 20-03-2026.
2. The petitioner is permitted to retain and use his passport during the said period for the purpose of lawful employment abroad.
3. The above permission is subject to the following conditions:
 - (i) The petitioner shall furnish his complete residential address abroad and contact details before this Court.
 - (ii) The petitioner shall appear before this Court as and when directed.
 - (iii) The petitioner shall not violate any of the bail conditions already imposed.
 - (iv) The petitioner shall not do any act which will prejudice or delay the trial proceedings.

(v) The petitioner shall file an affidavit once in every six months regarding his employment status.

In case of violation of any of the above conditions, the prosecution shall be at liberty to move this Court for cancellation of the permission granted.

Dictated to the confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court on this the 19th day of March, 2026.

Sd/-

**Sulekha M.,
Special Judge,
Special Court for the trial of Offences under the
SC/ST(POA) Act
Full Addl.Charge of Addl.Dist.& Sessions Judge-VIII,
Ernakulam.**

Mmc

Compd by:

**Order
in
Crl.MP.No.04/2026
in
S.C.No.859/2023
Dated.19.03.2026.**