



ITEM NO.2

COURT NO.7

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).6339-6340/2023

(Arising out of impugned final judgment and orders dated 31-05-2022 and dated 18-08-2022 in BA No. 4187/2020 passed by the High Court of Delhi at New Delhi)

FRANK VITUS

Petitioner(s)

VERSUS

NARCOTICS CONTROL BUREAU & ORS.

Respondent(s)

(Mr. Vinay Navare, Sr. Advocate has been appointed Amicus Curiae  
IA No. 71763/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 71766/2023 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 23-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. Vinay Navare, Sr. Adv. (Amicus Curiae)

For Petitioner(s)

Mr. Varun Mishra, AOR  
Mr. Ankur Jain, Adv.  
Mr. Aniruddha Singh Rajavat, Adv.  
Mr. Sanchit Jain, Adv.  
Mr. Subhash Chandra Pandey, Adv.  
Mr. Prablin Singh Abrol, Adv.  
Mr. Ajay Sharma, Adv.

For Respondent(s)

Mr. Vikramjeet Banerjee, A.S.G.  
Mr. Venkata Raghu Vamsy Dasika, Adv.  
Mr. Upendra Mishra, Adv.  
Mr. Rahul G Tanwani, Adv.  
Mr. Prasenjeet Mohapatra, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Gurmeet Singh Makker, AOR  
Mr. Raj Bahadur Yadav, AOR  
Mr. Upendra Mishra, Adv.  
Mr. Rahul G Tanwani, Adv.  
Mr. Venkata Raghu Vamsy Dasika, Adv.  
Mr. Prasenjeet Mohapatra, Adv.  
Mr. Abhishek Singh, Adv.  
Mr. Vijay Pratap Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

As noted in the earlier orders, there are two issues to be decided. One is of obtaining assurance from the Embassy and the second is of the condition regarding dropping a PIN on google map. The Ministry of Electronics and Information Technology of the Government of India has filed an affidavit and has suggested that as far as working of google PIN is concerned, it will be appropriate if necessary information is sought from Google India Private Limited.

We, therefore, issue notice to Google India Private Limited through Legal Head, No.3, RMZ Infinity-Tower E, Old Madras Road, 4<sup>th</sup> & 5<sup>th</sup> Floors Bengaluru, Karnataka-560016, India. The notice to accompany the copies of the orders passed by this Court from time to time and a copy of the affidavit dated 15<sup>th</sup> February, 2023 of Shri Charu Singh Munda working as Scientist C with the Ministry of Electronics and Information Technology. The notice is made returnable on 8<sup>th</sup> April, 2024.

The said company shall file an affidavit along with the necessary documents explaining the working of google PIN in the context of putting a condition in the order

granting bail. The issue is whether such condition infringes right to privacy.

We make it clear that we are not impleading Google India Private Limited as a party respondent. But we are issuing notice to the said company for the purposes of obtaining information from the said company regarding working of google PIN.

Another issue regarding furnishing assurance from the Embassy will have to be gone into. *Prima facie*, we are of the view that such onerous condition cannot be put as no Embassy will be in a position to give such assurance.

Therefore, we direct that the petitioner shall be released on interim bail on the terms and conditions incorporated in the impugned order except for the condition regarding dropping a PIN on the google map and obtaining assurance from the High Commission of Nigeria.

We also clarify that the petitioner shall be released on interim bail by furnishing surety in the sum of Rs.50,000/- (Rupees fifty thousand) (and not Rs.2,00,000/- [Rupees two lakhs] as directed by the High Court.)

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER