



2026:AHC-LKO:20032

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 1902 of 2026

Laxmi Kant Bajpai

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shashank Tilhari, Shubham Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. Present application has been filed seeking to challenge the order dated 06.05.2025 passed in Case No.695 of 2025 (State v. Laxmikant Bajpai & Ors.) by Additional Chief Judicial Magistrate, Court No.1, Unnao whereby the application filed by the applicant for grant of NOC from the Court where the trial is pending came to be rejected.

3. Facts, in brief, are that an FIR came to be lodged against the applicant under Sections 323, 504 & 506 IPC. As the applicant was desirous of going abroad, he applied for passport, however, the same came to be rejected on the ground that the applicant had not obtained bail in the said case. The applicant approached this Court by filing Application U/S 482 No.5362 of 2024 where a defense was taken that till the time the applicant applies for bail and is granted the same, it would not be open to apply for grant of NOC from the trial Court. The applicant had withdrawn the said application as is evident from the order dated 11.06.2024.

Subsequently, the applicant came before this Court for quashing of the entire proceedings in Application U/S 482 No.5412 of 2024 which was disposed off on 13.06.2024 giving benefit of the judgment in the case of Satendra Kumar Antil v. Central Bureau of Investigation and Anr.

(Special Leave to Appeal (Crl.) No.5191 of 2021. In the light of the said, the applicant moved an application for bail and was enlarged on bail by the trial Court. After he was enlarged on bail, the applicant moved an application for grant of NOC for renewal of the passport mainly on the ground that he wants to visit USA for business purposes as well as to meet his daughter. The said application has been rejected mainly on the ground that the applicant has not disclosed or annexed any papers for the purpose for which the NOC is sought.

4. Contention of learned counsel for the applicant is that although in terms of the provisions of the Bar created by virtue of Section 6(2)(f) of the Passport Act, restrictions can be placed, however, the Ministry of External Affairs itself has issued an Office Memorandum dated 06.12.2024 clarifying the scope of the purport of Section 6(2)(f) of the Passport Act which is noticed as under:

"8. It may be noted that there is no such provision for seeking permission/NOC from the court concerned for issuance of passport; instead it is permission to depart from India. In case the applicant is unable to provide the prescribed documents, PIA may issue a refusal order under Section 6 of the Passports Act, 1967 prescribing provisions for appeal."

5. This Court on an application filed by the same applicant in Application U/S 482 No.10778 of 2025 had passed a detailed order on 30.01.2026 considering the scope of the Office Memorandum issued by the Ministry of External Affairs and had allowed the said application giving suitable directions to renew the passport of the applicant for a span of 10 years.

6. Considering and adopting the reasoning as contained in the order dated 30.01.2026 passed in Application U/S 482 No.10778 of 2025 coupled with the fact that merely because of pendency of the criminal case against the applicant that too under Sections 323, 504 & 506 of IPC, the scope of Circular dated 06.10.2024 cannot be whittled down, and in view of the clarificatory circular, impugned order dated 06.05.2025 (Annexure - 1) cannot be sustained and is quashed.

7. Trial Court concerned is directed to grant NOC to the applicant in terms of the mandate of the clarificatory circular dated 06.12.2024 by

passing suitable orders within a period of three weeks.

8. Present application stands ***allowed*** in above terms.

(Pankaj Bhatia,J.)

March 19, 2026
nishant