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IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL APPLICATION (MAIN) NO.13 OF 2025**

State of Goa,
Through the Police Inspector,
Anjuna Police Station,
Anjuna, Bardez, Goa.

... Applicant.

Versus

1. Unique Identification Authority of India,
Government of India,
Having its Head office at:
Bangla Sahib Road,
Behind Kali Mandir, Gole Market,
New Delhi-110001.
Having Regional Office at
UIDAI Regional Office, Mumbai,
7th Floor, MTNL Exchange,
GD Somani Marg, Cuff Parade, Colaba,
Mumbai-400 005.

2. Union of India,
Ministry of Electronics and Information,
Technology Unique Identification
Authority of India (UIDAI)
through Deputy Solicitor of India, having
office at High Court of Bombay at Goa,
Porvorim, Goa.

3. Mr. Yaniv Benaim @ Atala,
Israeli National,
Tel Aviv, Israel,
Presently lodged at
Modern Jail, Colvale, Goa.

... Respondents.

Mr. S.G. Bhobe, Public Prosecutor for the Applicant.

Mr. Omkar Bhawe, Advocate for Respondent No.1.

CORAM: VALMIKI MENEZES, J.

RESERVED ON: 19th September, 2025

PRONOUNCED ON: 23rd September, 2025

JUDGMENT:

1. Rule. Rule made returnable forthwith. With the consent of the parties, application is disposed of finally. This is an Application filed by the State, through the Police Inspector, Anjuna Police Station, for an order in terms of Section 33 (1) of the Aadhaar (Targeted Delivery of Financial and Other Subsidies Benefits and Services) Act 2016 (“the Act”), for disclosure of the demographic information of the Respondent No.3, submitted by him at the time of enrolment for an Aadhaar card, documents, and other information submitted by the Respondent No.3 herein in proof thereof and for the details of the enrolment agency authorized by the Respondent No.1, through which the enrolment came to be done.

2. The case of the Applicant, as stated in the application and the additional affidavit supporting the application dated 14.07.2025 is as under:

- a. That, an F.I.R No.12/2025 dated 05.04.2025 was registered by the Anti Narcotic Cell, Panaji under Sections 20(b)(ii)(B), 21 (b) of the NDPS Act against the Respondent 3 for being in illegal possession of 50.00 grams of contraband suspected to be Cocaine and 120 grams of substance suspected to be Charas, pursuant to raid conducted by Anti Narcotic Cell, Panaji on 04.04.2025 from 23.25 hrs to 3.30 hrs of 05.04.2025.
- b. During investigation, it was found that Respondent No.3, who is admittedly an Israeli National, was staying in Goa/India without any valid passport or valid visa issued by the Indian authorities, but had been issued an Aadhaar card bearing no. 8368 4349 1046 on 11.08.2021; this Aadhaar card was handed over to the investigating authorities by one of the witnesses.
- c. A second complaint dated 06.04.2025 was filed by PSI Deendayal of Anti Narcotic Cell Police Station with Anjuna Police Station against Respondent

No.3, wherein F.I.R. No.61/2025 was registered under section 7(1), 7(3)(iii) of the Foreigners Order Act, 1948 and Section 14 of the Foreigners Act, 1946. This F.I.R. discloses that the Respondent No.3 was a permanent resident of Tel Aviv, Israel and was found staying in Goa/India without possessing valid travel documents (passport and visa).

- d. That since an Aadhaar card could be issued only to a person who was a resident in India, the same could not have been obtained by the Respondent No.3, who was a foreign national, without having a valid passport and valid residence visa for the requisite period, to show him to be eligible to obtain an Aadhaar card, as on 08.04.2025; accordingly, an email was sent to the Assistant Director General, UIDIA, requesting for disclosure of documents as proof of residence, submitted by the Respondent No.3 to obtain the Aadhaar card, which request was rejected on 11.04.2025 by the Deputy director of UIDAI, RO, Mumbai; the rejection was on grounds

of restrictions imposed by provisions of section 33 of the Act.

3. This Court, after notice was issued to the Respondents, including Respondent No.3, vide its order dated 09.06.2025, directed the UIDAI and Respondent No.2 to produce the documents on the basis of which the Aadhaar card was issued, under sealed cover, which were placed on record on 19.06.2025; the Respondent no.3 filed his affidavit in reply dated 09.07.2025 vehemently opposing the said Petition, on grounds that if the information sought was released to the Applicant, the fundamental rights of right to privacy, of the Respondent No.3 under Article 21 of the Constitution of India, would be violated. In the reply, Respondent No.3 contended that disclosure of information related to biometric and demographic data of the Respondent is an essential component of his personal liberty and such disclosure should pass the three-fold test laid down by the Supreme Court in the ***K.S. Puttaswamy (RTD) and others V/s Union of India and Ors, (2019) 1 SCC 1***. In the reply, Respondent No.3 states that he is an Israeli National and claimed that

there was no illegality committed by him in applying for or in the issuance of the Aadhaar card in his favour.

4. Thereafter, the Additional Affidavit dated 14.07.2025 was filed by the Applicant, placing on record the following facts:

- a. The affidavit contains criminal antecedents of the Respondent No.3, including the jail sentences undergone by the Respondent No.3 on being convicted for various offences within India;
- b. The affidavit also places on record that during the pendency of this application, the Respondent No.3 had applied for a fresh passport with the Israeli authorities and was issued an Israeli passport on 20.05.2025 bearing No. 24419662 valid from 20.05.2025 to 19.05.2026.
- c. Further that Respondent No.3 had been granted bail in Crime No.61/2025 by the J.M.F.C., Mapusa vide order dated 23.04.2025 in the matter relating to offences under the Foreigners Order Act and

Foreigners Act, but continued in custody for the crime No.12/2025 filed by the ANC.

d. He further submitted that the Respondent No.3 has the several crimes registered against him and has also been convicted of offences and undergone sentence imposed upon him. Details of these cases are given below:

- i. The Respondent No.3 had been arrested on 21.12.2005 by the ANC in Crime No.18/2005 under Section 20(b)(ii)(A) of the NDPS Act and was convicted by JMFC 'C' Court Mapusa and sentenced to pay fine of Rs.5000/- and in default to undergo Simple imprisonment for 5 days.
- ii. Respondent No.3 was arrested on 16.12.2006 in Anjuna Police Station, Crime No.82/2006 under section 3(2)(a) of Passport Entry into India 1920, section 7(1)(3) of Foreigners Order Act 1948 and Section 14 of Foreigners Act and was subsequently convicted by JMFC, 'C'

Court Mapusa and sentenced to undergo simple imprisonment for 2 days and to pay fine of Rs.5000- and in default to undergo 2 days simple imprisonment.

- iii. In 2007, Respondent No.3 was accused by the Crime Branch in Crime No.103/2007 under section 7(1)(3) of Foreigners Order Act, 1948 and section 14 of Foreigners Act, 1948, and was convicted on 18.06.2020 by JMFC 'E' Court Mapusa and sentenced to 3 months of simple imprisonment and to pay a fine of Rs.2000/- and in default to undergo simple imprisonment for 2 days, (which sentence was already served since he was in custody from 11.07.2019 to 18.06.2020).
- iv. In the year 2010, the Respondent no.3 was involved in Crime Branch Crime No.16/2010 under section 120-B of IPC and section 7,11,12 of the Prevention of Corruption Act. This case along with two more FIR's were handed over to the CBI for investigation; during

investigation, Respondent No.3 escaped arrest in India and was apprehended in Peru through Interpol after a Red Corner Notice was issued by CBI and he was extradited to Goa/ India by CBI, subsequent to which he was released on bail by Special Judge Panaji on 22.03.2012, however Respondent No.3 was not charge-sheeted in the said case.

- v. On 25.04.2019, FIR No. 54/2019 was registered at the Anjuna Police Station, against Respondent No.3 under section 326 and 307, which is pending trial in the Sessions court, Panaji; during the trial Respondent No.3 tried to flee to Nepal, via Uttarakhand, however he was arrested at Bambasa Police Station, Champawat, Uttarakhand in Crime No.19/2019 under section 14 of Foreigners Act, 1946 for not having valid documents for stay in India.

He was thereafter charge-sheeted in the Champawat case on 04.07.2019 and was

brought to Goa as he was required in the aforementioned Anjuna Police Station Crime No.54/2019 and another Case of 2007. Respondent No.3 was granted bail on 20.07.2020 in crime no.54/2019; he was released on bail in the Champawat case on 08.12.2020 and was convicted on 30.03.2024 and sentenced to imprisonment for a period of 1 year 7 months, inclusive of the default sentence which Respondent no.3 had already served since he was in custody for other offences.

SUBMISSIONS

5. The Learned Public Prosecutor, Mr. Shailendra Bhobe, representing the State, tendered the following submissions:

A. That an Aadhaar card can be issued to a foreign national if the said individual produces a valid Passport and Visa along with proof of address/residence at the time of enrolment. He

submits that an Aadhaar card could be issued only to a resident of India, according to Section 3 of the Act, and in the present case the Respondent No.3 neither had a valid passport or nor a visa issued by the Indian authorities under which he could reside in India.

B. He further submitted that the Respondent No.3 was not residing at the address mentioned in the Aadhaar card, at the time of arrest. He therefore submitted that it became very relevant for the purpose of investigating Crime No.12/2025 under the NDPS Act and even more importantly Crime No.61/2025 under the Foreigners Act and Foreigners Order Act to obtain the documents/information submitted by the Respondent No.3 at the time of enrolment for Aadhaar number, and more particularly, the documents/demographic information given by the Respondent No.3 to the Authority for obtaining his Aadhaar. It was further submitted that the investigation sought to determine how an Aadhaar

was issued to a foreign National with no residence status in India, as this would have wider ramifications for the security of the State and for maintenance of law and order as the Aadhaar card of Respondent No.3 was in use as a document of residence.

C. It was then submitted that the Respondent No.3 has a history of involvement in many crimes, and therefore it is necessary to investigate as to which documents were produced by Respondent No.3 to obtain the Aadhaar card, as there is every possibility that the Aadhaar card of the Respondent No.3 would be misused before various authorities.

D. In furtherance of his submissions, the Learned Public Prosecutor has relied on the following judgements:

i. State Govt. of NCT Of Delhi v/s Unique Identification Authority Of India And Anr., Order dated 03.05.2024 of the High Court of Delhi at New Delhi in

***Criminal Miscellaneous Application
No.987 of 2023.***

- ii. Sher Khan @Sheru v/s State of Haryana and Ors., order dated 28.02.2023 of the High Court of Punjab and Haryana in Criminal Miscellaneous Application no.1526 of 2022 in Writ Petition No.1524 of 2016.***
- iii. Dr. Mamta Kabra and Others v/s The Union of India and Others, judgement dated 18.12.2024 of the High Court of Bombay at Aurangabad in Writ Petition No.1077 of 2021.***
- iv. Union Territory of Chandigarh V/s Unique Identification Authority of India and others, order dated 24.03.2023 of the High Court of Punjab and Haryana in Criminal Miscellaneous Petition No.35794 of 2021.***

6. Learned Advocate for Respondent No.3 Mr. Vibhav Amonkar, opposes the grant of the application mainly on grounds that disclosing the biometric and other information and documents on the basis of which the Aadhaar was granted, would amount to a breach of his privacy, and

consequently, his fundamental right under Article 21 guaranteed by the Constitution of India. He places reliance on the Judgment of the Supreme Court in ***Puttuswamy*** (supra).

Shri Raviraj Chodankar appearing for the Respondent Nos.1 and 2 Authority, after placing the documents which were submitted by the Respondent No.3 before this Court under sealed cover, has submitted that the Authority would abide by the orders of this Court, which may consider, after perusing the documents, whether the application should be granted.

7. The sole point for determination that arises in this application is whether the Applicant has made out a case for disclosure of information under Section 33 of the Act.

8. Section 28 of the Act requires the Authority to ensure the security of the identity information and the authentication records of an individual who has been issued an Aadhaar card. Similarly, Section 29 restricts the sharing of core biometric information collected or created under the Act, though Sub-Section 2 of Section 29 allows for identity information, other

than core biometric information collected by the Authority to be shared, only in accordance with the provisions of the Act.

Under clause (n) of Section 2, “identity information”, includes an individual’s Aadhaar number, his biometric information and his demographic information. Under clause (g) of Section 2, “biometric information” means the individual’s photograph, fingerprint, iris scan or such other biological attributes.

Clause (d) of Section 2 defines an “authentication record” to mean the record of the time of authentication and identity of the requesting entity.

9. Section 33 of the Act empowers the High Court, to, on an application filed, to allow disclosure of information, including identity information or authentication records of an individual, after giving opportunity of hearing to the Authority and the Aadhaar number holder. This provision therefore empowers this Court to disclose, if a case has been made out by the Applicant, all information including identity information and authentication records of the Respondent No.3, which would include the documents, which form the basis on which the Aadhaar card was granted. This would be

even more relevant, in the light of the fact that the Respondent No.3, who holds the Aadhaar card is admittedly an Israeli National, and was detained for not having any valid travel documents in his possession. The Respondent No.3 obviously did not have a valid passport or valid visa at the relevant time, but has obtained a passport issued by the Israeli State only on 20.05.2025 after this application was filed.

10. Since the Respondent No.3 did not possess a valid passport, visa or any travel documents and was involved in Crime No.12/2025, on 06.04.2025 a second FIR bearing Crime No.61/2025 under Sections 7(i), 7(3)(iii) of the Foreigners Order 1948 and Section 14 of the Foreigners Act, 1946. Investigation into Crime No.12/2025 being by ANC for offences of possession of contraband suspected to be cocaine for which the Respondent No.3 was arrested on 05.04.2025 revealed that the Respondent No.3 was in possession of Aadhaar Card bearing No. 8368 4349 1046, issued by the Authority on 11.08.2021. Earlier, on 25.04.2019, FIR No. 54/2019 was registered at the Anjuna Police Station, against Respondent No.3 under section 326 and 307, which is pending trial in the Sessions court, Panaji; during the trial

Respondent No.3 tried to flee to Nepal, via Uttarakhand, however he was arrested at Bambasa Police Station, Champawat, Uttarakhand in Crime No.19/2019 under section 14 of Foreigners Act, 1946 for not having valid documents for stay in India. During trial of the Champawat case the Respondent No.3 was brought to Goa as he was required to face trial in the Anjuna Police Station Crime No.54/2019 for attempted murder and another Case of 2007. Respondent No.3 was granted bail on 20.07.2020 in crime no.54/2019; he was released on bail in the Champawat case on 08.12.2020 and was convicted on 30.03.2024 and sentenced to imprisonment for a period of 1 year 7 months, inclusive of the default sentence which Respondent no.3 had already served since he was in custody for other offences.

11. It is during the trial of these offences, that the Respondent No.3 has obtained an Aadhaar card on 11.08.2021, despite, admittedly not possessing a valid passport, valid visa or any travel document. He was deported from Peru by the CBI on 25.08.2011 and has been in India since then. According to the Applicant, the last known passports of Respondent No.3 were Passport No.14355605

issued on 22.10.2010 valid upto 21.08.2020 and the other being Passport No.10150776 issued on 08.02.2004 valid upto 07.02.2014. The passport obtained recently by the Respondent No.3 is dated 20.05.2025 bearing No.24419662 valid from 20.05.2025 to 19.05.2026.

Obviously therefore, the Respondent No.3 was not in possession of a valid passport or a valid visa to justify his stay in India as a resident, to qualify him for being granted an Aadhaar card. It is in the background of the various crimes of which the Respondent No.3 has been convicted, or is under trial, and is now being investigated, more so the investigation into the circumstances under which the Respondent No.3 obtained an Aadhaar card, being undertaken in Crime No.61/2025 (for offences under Foreigners Order/Foreigners Act) that the details sought are of relevance.

12. Section 3 of the Act provides that every **Resident**, shall be entitled to an Aadhaar number by submitting his demographic information. The provision therefore entitles a person who is a resident of India, irrespective of Nationality, to obtain an Aadhaar. The word “resident” must be read in context of valid residence, in the event that the Respondent

No.3 is a foreigner, where he would be required to have a visa or travel document issued by the Government of India, to enable him to reside in India for such time as would be permitted by the visa conditions. Obviously, such visa or travel document would require the Respondent No.3 to have a residential permit, and not just a visiting visa, to qualify him for obtaining an Aadhaar number.

13. The Respondent No.3 admittedly had no passport or valid visa at the time the Aadhaar card was issued or his demographic information was collected. In the absence of a document that allowed him residence in India, and more so when he was deported from Peru on 25.08.2011, and his last known passport had expired on 21.08.2020, the grant of the application to enable the investigating Authorities to investigate the circumstances under which, the Respondent No.3 had obtained an Aadhaar number, would attain great relevance.

14. The application for an Aadhaar number is required to be made in terms of Form 1 under the Aadhaar Regulations. In terms of these Regulations, the Respondent No.1 has

published a “List of acceptable supporting documents for verification”, under which one of the documents which can be produced as POI (Proof of Identity), which contain the name and photo of the Respondent No.3, is a Certificate of Identity having photo issued by a Gazetted Officer in the standard format of the UIDAI. The date of birth (DOB) documents accepted under these regulations may be ascertained through various documents stated in the regulations, one of which is a certificate of birth issued by a Gazetted Officer in standard UIDAI format. The proof of address (POA) documents accepted under the regulations are 45 in number of which one is a certificate of address having photo issued by a Member of Parliament or an MLA or an MLC or a Gazetted Officer on UIDAI standard format.

Form 1 appended to the Regulations is required to be filled in by an Applicant who is resident Indian or a non resident Indian having proof of address in India.

15. Obviously, as stated in the application, the information sought by the Applicant by this application is to enable the Investigating Officer to establish the manner in which, and by

what validating documents, in the absence of the Respondent No.3 holding a valid passport or visa on the relevant day, the Aadhaar Card was issued to establish the said Respondent's residence status. This was even more relevant, considering that the Respondent No.3 was on bail in various offences or had been convicted, and was in India after having been extradited from Peru through Interpol on a red corner notice being issued by the CBI. The Respondent No.3, having no valid residence visa or even a valid passport, as on the date he applied for the Aadhaar card, prima facie, may not have been entitled to apply for an Aadhaar card; the Investigating Officer cites this very reason, for which a request has been made in this application to provide the demographic information of the Respondent No.3, to investigate whether he was at all entitled to have obtained the Aadhaar number which would be used as proof of residence. On this count, the application must be allowed, as the content of the demographic information would have a direct bearing on the investigation and especially in the Crime No.61/2025 under the Foreigners Order Act and Foreigners Act.

16. Though, on the face of the application, a case has been made out to grant the same for reasons cited above, considering the argument raised by the Respondent No.3, claiming that his fundamental right to privacy would be breached by disclosure of the demographic information, I have perused the Form 1 produced by the Authority under cover of letter dated 13.06.2025. The proof of identity (POI), proof of address (POA) and proof of birth (POB) are all provided under certificate issued by a Gazetted Officer of the Government of Goa, in the standard format of the UIDAI, the Gazetted Officer having countersigned the form certifying the place of residence filled in by the Respondent No.3 at Anjuna, Goa. The POI, POA and POB have all been certified by the same Gazetted Officer and are not based upon any other document belonging to the Respondent No.3 to substantiate these three parameters. Disclosure of the information which is by allowing copies of Form 1 for POI, POA and POB would therefore not result in disclosing any personal document or personal information of the Respondent No.3, which he seeks protection of.

17. For all the aforementioned reasons, I pass the following order:

The Application under Section 33(1) of the Act, is allowed. The Unique Identification Authority of India (Respondent No.1) shall provide to the Applicant the demographic information of Respondent No.3 (which has been placed under sealed cover in the record of this Court on 19.06.2025), submitted by the Respondent No.3 as proof of the demographic information; the Respondent No.1 Authority shall also provide the details of the Enrolment Agency authorized by it, through which the enrolment of the Respondent No.3 to the Aadhaar number 8368 4349 1046 came to be done within two weeks from the passing of this order. The sealed envelope shall be returned to the learned Counsel for the Respondent No.1 by the Registry of this Court.

Rule is made absolute in the above terms.

VALMIKI MENEZES, J.