

**IA No. 4/26 in SC No. 67/21
NCB Vs. Bethlehem @ Nunu**

**21.02.2026
at 03.20 pm.**

The file is taken up today on an application of the accused Bethlehem @ Nunu seeking interim bail for a period of two weeks.

Present: Sh. Rahul Gupta, Ld. Proxy counsel Sh. Mukeysh Malik, Ld. SPP for NCB.
Sh. J. S. Kushwaha, Ld. counsel for applicant/accused.

1. IO SI Vijay Singh Negi has appeared and filed reply to the application. Copy supplied.
2. Arguments heard on the application.
3. Learned counsel for the applicant has submitted that the applicant is in judicial custody since 04.09.2020 in the present complaint case and has been facing trial for more than five years. It is submitted that the present application is not on merits but seeks *interim bail for a limited period of two weeks* on purely humanitarian and compassionate grounds, in view of the grave medical condition of her 02-year-old infant son, namely Zion Kosarachim.

4. It is argued that the minor child has been diagnosed with Bilateral Retinoblastoma (eye cancer) and has already undergone enucleation (removal) of the left eye under general anaesthesia at Dr. Rajendra Prasad Centre for Ophthalmic Sciences, AIIMS, New Delhi. Learned counsel draws attention to the medical treatment report issued by the said institute, which records that the child was diagnosed with bilateral retinoblastoma with optic nerve involvement; that he underwent left eye enucleation with primary implant under general anaesthesia; that the right eye requires continued focal treatment under periodic Examination Under Anaesthesia (EUA); and that the child requires further focal treatment at regular intervals and long-term monitoring till at least five years of age. It is further pointed out that the report mentions extrusion of the primary implant and the requirement of secondary implant surgery under general anaesthesia, which has been described as urgent.

5. Reliance is also placed upon the status communication issued by the Department of Medical Oncology, Dr. B.R.A. Institute Rotary Cancer Hospital, AIIMS, New Delhi dated 11.02.2026, wherein it is recorded that the child is under observation and requires follow-up in coordination with the Ophthalmology Department. It is submitted that as per the medical records, an implant-related test and further ophthalmic evaluation were scheduled, and the child's treatment is ongoing

at AIIMS. Learned counsel contends that such specialised procedures, particularly those requiring general anaesthesia and post-operative monitoring, cannot be adequately facilitated within the jail hospital system.

6. It is further submitted that both parents of the child are in custody, the husband of the applicant also being incarcerated and there is no other responsible adult available to take decisions regarding specialised medical intervention, consent for surgery, post-operative care and follow-up consultations. Counsel emphasizes that the presence of the mother is necessary, medically and emotionally, particularly considering the tender age of the child and the nature of the disease, which involves repeated anaesthesia, surgical procedures and long-term oncological follow-up.

7. Learned counsel has also placed reliance upon the order dated 16.02.2026 passed by the Hon'ble High Court of Delhi in Bail Appln. 586/2026 (Pawhnia Nweke vs. State Govt. of NCT of Delhi) arising out of FIR No. 146/2025, P.S. Kishangarh, whereby the Hon'ble High Court, upon consideration of the very same medical condition of the minor child and after perusal of the nominal roll and medical status report, was pleased to grant interim bail to the applicant for a period of two weeks. It is submitted that the Hon'ble High Court

specifically recorded that the child had been diagnosed with bilateral retinoblastoma, had already undergone left eyeball removal, and required implant testing and further examination under anaesthesia, and that in view of the “evidently serious medical condition” of the child, interim bail was warranted.

8. Learned counsel submits that the facts pertaining to the medical condition of the child remain unchanged and, in fact, require continued monitoring and specialised ophthalmic and oncological intervention. It is argued that the grant of interim bail by the Hon’ble High Court in the connected case is a relevant and persuasive circumstance, demonstrating judicial recognition of the genuineness and gravity of the medical situation.

9. It is further submitted that the applicant’s jail conduct is satisfactory, and she undertakes to abide by any stringent terms and conditions that may be imposed by this Court, including furnishing of surety, sharing of mobile number, restriction on movement, and surrender upon expiry of the interim period. Counsel assures the Court that the applicant does not seek to misuse the liberty and is seeking release strictly for the limited purpose of facilitating the urgent medical treatment, consultation, implant-related procedures and post-operative care of her minor child.

10. On these grounds, learned counsel prays that in the interest of justice, humanity and the welfare of the minor child suffering from a life-threatening oncological condition, the applicant be granted interim bail for a period of two weeks on appropriate conditions.

11. Ld. SPP for NCB has opposed the application for interim bail and has detailed the background of the case arising out of a controlled delivery operation conducted pursuant to directions of the DG NCB dated 27.08.2020. It is stated that on 01.09.2020, 970 grams of heroin concealed in a parcel at the Cargo Terminal, IGI Airport, New Delhi, was seized. The consignee details were found to be fabricated. During the controlled delivery at Nawada Metro Station on 02.09.2020, accused Wahid Ali was apprehended after receiving a dummy parcel. In his statement under Section 67 of the NDPS Act, he disclosed the existence of a drug trafficking racket involving several associates, including foreign nationals and admitted ordering narcotic consignments from South Africa using fake identities and courier services.

12. The Ld. SPP relying on the reply of the IO, further states that on the basis of subsequent disclosures by co-accused persons, including Muhsin Ali and others, additional recoveries of heroin were effected from parcels lying at courier warehouses.

It is alleged that the present accused, Bethlehem @ Nunu, was identified as an active participant in the conspiracy. As per the complaint, she came to Nawada Metro Station to receive a parcel and was apprehended. On her disclosure, further parcels containing substantial quantities of heroin and cocaine were allegedly recovered. It is further alleged that documents and fake identity proofs connected with the shipments were found in her mobile phone and that she admitted fabricating documents for transportation of narcotic consignments.

13. Ld. SPP for NCB also states that another co-accused, Peter Chibuzar Ezie @ Frank, was arrested and on his disclosure further recoveries of commercial quantities of heroin were made from various courier companies. The IO emphasizes that the case involves commercial quantity of narcotic drugs, attracting the bar under Section 37 of the NDPS Act, and therefore the applicant is not entitled to interim bail.

14. It is additionally stated that the medical document filed with the application is dated 02.07.2025 and is old in nature, with no immediate emergency reflected therein. The IO further submits that the accused had earlier been declared an absconder by this Court by order dated 18.12.2023 as she had failed to surrender before the Jail Superintendent after expiry of the interim bail and was subsequently arrested in another NDPS case

(FIR No. 146/2025, P.S. Kishangarh). On these grounds, the application for interim bail has been strongly opposed.

15. I have heard learned counsel for the applicant and the learned Special Public Prosecutor for the Narcotics Control Bureau and have carefully perused the record, including the medical documents placed on record and the reply filed by the Investigating Officer.

16. At the outset, it is not in dispute that the present case pertains to recovery of commercial quantity of narcotic drugs pursuant to a controlled delivery operation conducted at IGI Airport, New Delhi. The material on record, as reflected in the complaint and the reply of the IO, indicates that 970 grams of heroin was initially seized from a parcel concealed in courier consignment, followed by further recoveries of substantial quantities of heroin and cocaine from multiple parcels at different courier warehouses. The role attributed to the present applicant is not peripheral. As per the prosecution, she was apprehended at Nawada Metro Station when she allegedly came to receive the parcel in question and, on her disclosure, further recoveries of contraband were effected from other parcels. It is also alleged that several fabricated identity documents and shipment-related material were found in her mobile phone and that she admitted

fabrication of documents for facilitating transportation of narcotic consignments.

17. The quantity of contraband allegedly recovered in the present case is indisputably of commercial quantity. Therefore, the rigour of Section 37 of the NDPS Act squarely applies. Even though the present application is styled as one for interim bail, the embargo under Section 37 does not stand diluted merely because the relief sought is temporary in nature. The Court is required to be satisfied that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that she is not likely to commit any offence while on bail. At this stage, having regard to the multiple recoveries effected on the basis of disclosures of co-accused persons, the alleged recoveries pursuant to the disclosure of the present applicant and the material stated to have been found in her electronic devices, this Court is not in a position to record such satisfaction.

18. Learned counsel for the applicant has placed heavy reliance on the medical condition of the applicant's minor child, who has been diagnosed with bilateral retinoblastoma and has undergone surgical intervention at AIIMS. There can be no quarrel with the proposition that the medical condition of a minor child is a relevant and humane consideration while deciding a prayer for interim bail. However, it is also relevant to note that as

per the record, the applicant had earlier been declared an absconder by order dated 18.12.2023 and was subsequently arrested in another NDPS case. The conduct of the applicant, therefore, does not inspire confidence so as to persuade this Court to exercise discretion in her favour. The apprehension expressed by the prosecution that she may evade the process of law cannot be said to be unfounded, especially considering the gravity of the allegations and the severe punishment prescribed under the NDPS Act.

19. The applicant has relied upon the order dated 16.02.2026 passed by the Hon'ble High Court of Delhi in Bail Appln. 586/2026, whereby she was granted interim bail in another case. However, that order was passed in the context of a separate FIR and on the facts and medical status presented before the Hon'ble High Court at that stage. The grant of interim bail in another case does not automatically entitle the applicant to similar relief in the present complaint, particularly when the present case involves extensive recoveries forming part of a larger international drug trafficking network. Each application is to be decided on its own merits, keeping in view the statutory embargo and the factual matrix of the case.

20. The offence alleged is grave in nature, involving trafficking of commercial quantity of heroin and cocaine through

international courier consignments, use of fabricated identities and organised conspiracy. The legislative mandate under Section 37 of the NDPS Act reflects the seriousness with which such offences are to be treated. The Court cannot lightly disregard this mandate on grounds that, though sympathetic, do not meet the statutory threshold.

21. In view of the foregoing discussion, this Court is not satisfied that the applicant has made out a case for grant of interim bail. The statutory bar under Section 37 of the NDPS Act operates against the applicant and no satisfaction as required under the said provision can be recorded at this stage.

22. Accordingly, the application seeking interim bail for a period of two weeks is dismissed.

23. Nothing stated herein shall, however, be construed as an expression on the merits of the case at trial.

24. Accordingly application stands disposed of in aforesaid terms. Copy of this order be given *dasti* and be also sent to Jail for communicating the same to accused.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
21.02.2026