

**IA 3/25 SC 276/21
NCB VS KULWA YOHANA MARTINE
28.11.2025**

Present: Sh. Mukeysh Malik, Ld. SPP for NCB.
Ms. Gunjan Gupta, Ld. counsel for
applicant/accused.

Vide my separate order of even date, the present application is dismissed and disposed off accordingly.

Copy of the order be given *dasti* as well as be sent to jail superintendent for supplying the same to accused in jail.

**(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
28.11.2025**

**IA 3/25 SC 276/21
NCB VS KULWA YOHANA MARTINE**

28.11.2025

ORDER

1. Vide the present order, I shall dispose of the application filed by the applicant/accused u/s 484(2) of BNSS, 2023 seeking waiver of the condition of furnishing the surety and enlarging the applicant/accused on personal bond on behalf of the applicant/accused Kulwa Yohana Martine.

2. It has been submitted by the Ld. Counsel for the applicant/accused no other bail application/application seeking reduction of surety bonds is filed by the applicant/accused is pending before the Hon'ble Supreme Court of India or the Hon'ble High Court of Delhi.

3. It has been submitted by the Ld. Counsel for the applicant/accused that the applicant/accused was granted regular bail by this Court vide order dated 06.10.2025. As per the conditions imposed in the said order, the applicant/accused was admitted to bail subject to furnishing bail bond in the sum of Rs. 1,00,000/- with two sureties of the like amount. The applicant/accused moved another application u/s 484 (2) of BNSS seeking reduction of the surety amount and same was allowed by this Court vide order dated 27.10.2025, wherein the amount of personal bond and surety bond was reduced to 50,000/- and the applicant/accused was allowed to be released on furnishing the personal bond/surety bond in a sum of Rs.

50,000/- and after his release he was directed to deposit Rs. 50,000/- in cash or FDR and was further directed to produce one surety in the sum of Rs. 50,000/-, within two weeks of his release.

4. It has been submitted by the Ld. Counsel for the applicant/accused that the application / accused belongs to a poor strata of the society and he is a foreign national and he does not have the wherewithal to produce the surety bond/personal bond of Rs. 50,000/- and he does not have the means to deposit Rs. 50,000/- in cash or FDR. He is in JC since 19.04.2021 and in spite of being granted regular bail on 06.10.2025, he is still languishing in jail as he has been unable to procure the surety to furnish the surety amount.

5. It is submitted by the Ld. SPP for NCB that if he is released on reduced surety, he may abscond and flee from justice and he may also commit similar offences in the future.

6. In the considered opinion of this Court, the discretion was already exercised in favour of the applicant/accused vide order dated 27.10.2025. The applicant/accused was directed to be released on furnishing of personal bond in sum of Rs. 50,000/- and after his release, he was directed to deposit Rs. 50,000/- in cash/FDR, in lieu of one surety and he was further directed to furnish one surety in the sum of Rs. 50,000/-. The applicant/accused is a foreign national, who arrived in India on a student visa. There is recovery of commercial quantity of the

contraband (3 kg of heroin) from his luggage bag, which was checked-in by him in the flight he took from Doha to New Delhi. The applicant/accused is already ordered to be released on furnishing of the personal bail amount, instead of producing the sureties before hand, after the ratio of the decisions of the Hon'ble High Court of Delhi in similar cases was followed. No further ground is made out to reduce the personal bond and surety bond amount any further. The application is accordingly dismissed.

7. It is needless to say that nothing stated herein shall tantamount to an opinion or expression on the merits of the case.

8. Copy of this order be sent to concerned Jail Superintendent for serving the same to the accused.

9. Copy of this order be given dasti to the parties.

10. Application stands disposed off accordingly.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N. Delhi
28.11.2025