

**IN THE COURT OF JITENDRA PRATAP SINGH
ADDL. SESSIONS JUDGE /SPECIAL JUDGE (NDPS),
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

**IA No. 5/2026 in SC No. 276/2021
NCB v. Kulwa Yohana Martine**

11.02.2026

File is taken up today on an application made by the accused Kulwa Yohana Martine u/s 483 (1) of BNSS, 2023/Section 439 (1) (b) of Cr.P.C for modification in the bail order dated 06.10.2025 and in the modified order dated 27.10.2025.

Present: Sh. Raj Mohan Chand, Ld. SPP for NCB.
Sh. Anup Kumar Gupta, Ld. counsel for
applicant/accused.

1. It is stated in the application that the regular bail was granted to the applicant on 06.10.2025. The bail conditions were modified vide order dated 27.10.2025. Another application of the accused filed U/s 484 (2) of BNSS seeking waiver of condition of furnishing the surety and enlarging him on personal bond has been dismissed vide order dated 28.11.2025. That in compliance of the bail order dated 06.10.2025, the accused had applied for extension of visa/grant of ex-misc.visa through Jail Superintendent to the Bureau of Immigration at FRRO, which has been granted (copy filed). That accused has deposited sum of Rs.50,000/- in terms of order dated 27.10.2025 and was released from jail on 27.01.2026. He now seeks removal of the condition

of depositing Rs.50,000/- within two weeks from the release and permission to furnish surety of Rs.25,000/- only in place of Rs.50,000/-. He also seeks two weeks further time for complying with the said directions.

2. It is further submitted that no similar application is either filed or is pending before this Court or before Hon'ble Supreme Court of India. During the course of arguments, the Ld. Counsel has submitted that no such application has also been filed before the Hon'ble High Court of Delhi.

3. Accused has placed reliance on the following judgments in support of the application:

(i) The Hon'ble Supreme Court of India in re; “***In Re: Policy Strategy for Grant of Bail***” 2023 SCC OnLine SC 483;

(ii) The Hon'ble Supreme Court of India in re; “***Frank Vitus v. Narcotics Control Bureau & Ors***”, MANU/SC/0575/2024;

(iii) The Hon'ble Supreme Court of India in re; “***Francis Ogadinma Iroegbu v. State (NCT of Delhi)***”, Bail Application No. 2806/2024.

4. Ld. SPP for the NCB has opposed the application submitting that when the previous application for modification of

bail directions has been decided on 27.10.2025 and subsequent such application has been dismissed on 28.11.2025, application under consideration cannot be allowed. It is further submitted that accused is a foreign national and is involved in commission of a serious offence as 03 Kg of *heroin* was recovered from his possession and if conditions are further relaxed, there is a likelihood of the accused evading the process of law.

5. I have heard the respective arguments and have perused the record.

6. Section 483 (1) (b) of the BNSS empowers a Court of Session to set aside or modify any condition imposed by a Magistrate when releasing any person on bail.

7. Section 484 of BNSS specifically deals with amount of bond and reduction thereof.

8. In the instant case, Ld. Predecessor, while dealing with the prayer of the accused for waiver of condition of furnishing the surety and enlarging him on personal bond, vide his order dated 28.11.2025 has observed that the discretion has already been exercised in favor of the accused vide order dated 27.10.2025, whereby his request for reduction of surety amount and deposit of cash in lieu of surety was considered. The Ld. Predecessor had

observed that the applicant is a foreign national, who arrived on student visa in India. The recovery of large quantity (03 Kg of *heroin*) of contraband from his luggage was also noted. It was categorically observed that no further ground is made out to reduce the personal bond and surety bond amount any further.

9. Effectively, the accused is seeking review of the above-mentioned order dated 28.11.2025, which is not permissible in law. The reliance on the case law *In Re: Policy Strategy for Grant of Bail* is not applicable to the present case as the Court had already considered and adjudicated upon the request of the accused for relaxing the conditions of furnishing bail bond and surety bond upon release vide the above-mentioned order dated 27.10.2025.

10. The Ld. Counsel has relied upon the decision of Hon'ble Supreme Court of India in case titled '***Prantik Kumar & Anr. v. State of Jharkhand & Ors***', in SLP (Crl) Diary No. 4297/2026, **decided on 03.02.2026**. In humble opinion of this Court the reliance is misplaced as the Hon'ble Supreme Court of India in the said case was not dealing with deposit of sum of money in lieu of bond but the issue before the Hon'ble Court was regarding the amounts involved in the transactions alleged. The Ld. Counsel has also relied on the decision ***Frank Vitus (Supra)***, however, the said decision would reveal that in the said case the

issue of personal bond and surety bond amount was not the subject matter of adjudication by the Hon'ble Supreme Court of India. The Hon'ble Court dealt with the issue of condition of dropping pin on Google Map and of furnishing certificate of Embassy which subsequently were deleted vide the order dated 08.07.2024.

11. The Ld. Counsel has further placed reliance on the case law *Francis Ogadinma Iroegbu (Supra)*, however, the copy of said case law is not furnished along-with the application nor the same has been argued before the Court. The Court has attempted to find the relevant decision on the Internet but no such decision relevant to the present case could be searched.

12. The Ld. Counsel has further relied upon the decision of Hon'ble High Court of Delhi in the case '*Moussa Zie v. State of NCT of Delhi*', in **Crl.M.A. 20185/2024 decided on 12.07.2024**. Perusal of the said decision would reveal that the Hon'ble Court in the said case was pleased to reduce the amount of personal bond from Rs.1,00,000/- to Rs.25,000/-. The Hon'ble Court was further pleased to reduce the condition of furnishing two sureties of 1,00,000/- to cash surety of Rs. 25,000/-. The facts of the case under consideration are entirely different and therefore, this decision is also not of assistance to the applicant.

13. In view of the above, this Court finds no merit in prayer of the accused made in the instant application to dispense with the condition of depositing Rs.50,000/- in cash or FDR as has been ordered on 27.10.2025. The Court also does not find any merit in the prayer to modify the condition of furnishing surety in the sum of Rs.50,000/- to Rs.25,000/-. However, considering the pendency of this application and taking a humane approach, the accused is granted two more weeks from today to comply with the said conditions and till then, the personal bond furnished by him on 03.12.2025 is extended and accepted.

14. The application stands disposed of accordingly. Copy of this order be given *dasti*.

15. The affidavit furnished by the accused today regarding his place of residence accompanied with copy of rent agreement and his financial status is taken on record.

16. Matter be listed on **25.02.2026** before this Court for considering the remaining compliance of the bail directions.

(Jitendra Pratap Singh)
ASJ/Spl. Judge, NDPS/N Delhi
11.02.2026