

**IN THE SUPREME COURT OF INDIA**

**ORDER XX11 RULE 2(1)**

**CRIMINAL APPELLATE JURISDICTION**

**SPECIAL LEAVE PETITION (CRL.) NO. 14185/2025**

**IN THE MATTER OF:**

**UNION OF INDIA**

**... PETITIONER**

**VERSUS**

**CHIDIEBERE KINGSLEY NAWCHARA & ANR.**

**... RESPONDENTS**

**INDEX**

<b>SNO.</b>	<b>PARTICULARS</b>	<b>PAGE NO.</b>
1.	The Professional Bail Bondsmen (Regulation) Rules, 2026	1-9

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**Dated: 30.01.2026**

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## **THE PROFESSIONAL BAIL BONDSMEN (REGULATION) RULES, 2026**

### **I. Governing Authority**

#### **1. National Legal Services Authority**

- a) The National Legal Services Authority (NALSA) shall be the nodal body for policy guidance, standard-setting, training modules and act as the licensing authority under these Rules.
- b) NALSA may issue model rules, ethical codes, and compliance standards consistent with these Rules and the BNSS.
- c) NALSA shall:
  - i. Frame Standard Operating Procedures.
  - ii. Maintain national digital infrastructure under the rules.
  - iii. Coordinate with State Legal Services Authorities (SLSAs), District Legal Services Authorities (DLSAs), High Courts, Unique Identification Authority of India (UIDAI), National Informatics Centre (NIC), National Crime Records Bureau (NCRB) and State Police.
- d) State Legal Services Authorities shall act as State Implementing Authorities, and District Legal Services Authorities shall act as District Verification Units.

## **II. Licensing and Registration**

### **2. Mandatory licensing and prohibition of unlicensed activity**

- a) No person shall act, advertise, or hold themselves out as a professional bail bondsman or bail bondsman business entity unless licensed under these Rules.
- b) Any act of executing or soliciting a bail bond without a valid licence shall constitute an offence punishable under the appropriate provisions of BNS, 2023.

### **3. Categories of licence**

- a) Licences may be granted under the following categories—
  - i. Individual Professional Bail Bondsman;
  - ii. Bail Bondsman Business Entity.
- b) A bail bondsman business entity shall not execute any bail bond except through a duly licensed individual bail bondsman.

### **4. Persons disqualified for License**

- a) The following persons shall be disqualified from being granted or continuing to hold a licence—
  - i. police officers, prison officers, judicial officers, prosecutors, court staff, or persons exercising control over prisoners;
  - ii. advocate and their employees;

- iii. persons convicted of an offence involving fraud, dishonesty, moral turpitude, or with any offence punishable with imprisonment of one year or more;
- iv. persons whose licence has been previously revoked under these Rules.

## **5. Eligibility and fitness**

- a) An applicant shall—
  - i. be a citizen of India and not less than thirty years of age;
  - ii. possess such educational qualifications and professional competence as may be prescribed;
  - iii. demonstrate financial solvency [by producing requisite solvency certificate from the appropriate Revenue Officer];
  - iv. satisfy the Authority as to integrity, reliability, and fitness to act as a professional surety.
- b) Bail Bondsman Business Entity shall be a Company, LLP or a registered partnership firm where one or more director or partner is a Licensed Professional Bail Bondsman, under whose name/s, the bail bonds will be executed.

## **6. Application, examination and disclosure**

- a) Every individual applicant shall submit an application in the prescribed form along with—
  - i. proof of identity and residence;

- ii. police verification and criminal antecedent reports;
  - iii. disclosure of all direct or indirect financial interests exceeding such threshold as may be prescribed;
- b) The applicant shall pass a qualifying examination testing knowledge of the BNSS, bail jurisprudence and regulatory compliance.
- c) Any material misrepresentation or suppression shall render the application liable to rejection or licence liable to cancellation. Further the applicant will be liable for criminal prosecution under the BNS, 2023.
- d) Bail Bondsman Business Entity applicant shall submit their registration applications with:
- i. Registration details of the proposed Bail Bondsman Business Entity with details of all shareholders and/or partners;
  - ii. police verification and criminal antecedent reports of all shareholders and/or partners;
  - iii. Valid and active registration of their director, or partner Licensed Professional Bail Bondsman;
  - iv. Declaration of sources of funding and beneficial ownership.

## **7. Security bond, guarantee and fiduciary accounts**

- a) Every licensed Bail Bondsman and Bail Bondsman Business Entity shall furnish a security bond, bank guarantee, or insurance-backed instrument of such minimum value as may be prescribed, in favour of the State.

- b) All premiums, fees, collateral, or other monies received in connection with bail bonds shall be held in a fiduciary capacity in segregated accounts.
- c) Failure to maintain the prescribed security or fiduciary accounts shall result in suspension of the licence.

## **8. Registration**

- a) At the time of registration the professional bail bondsman would provide –
  - i. Aadhaar based identity verification in terms of the Good Governance (Social, Welfare, Innovation and Knowledge) Rules, 2020;
  - ii. Alternative government ID verification where Aadhaar is unavailable;
  - iii. Live photograph capture and biometric verification;
  - iv. And Police verification of permanent and/or present address of the professional bail bondsman.

## **9. Central Registry of Licensed Bail bondsmen**

- a) NALSA shall maintain National Digital Surety Registry containing:
  - i. Identity details of registered Bail bondsmen under these Rules;
  - ii. Details of the sureties furnished by the said bail bondsmen;
  - iii. Instances of forfeiture or default;
  - iv. List of blacklisted or suspended Bail bondsmen.
- b) This information maintained by NALSA should be accessible to all Courts.

### **III. Duties and Prohibited Practices**

#### **10. Duties of Professional Bail Bondsmen**

- a) Every licensed professional bail bondsman shall—
- i. ensure the appearance of the accused before the court on all dates;
  - ii. explain bail conditions to the accused in a language understood by them;
  - iii. comply strictly with conditions imposed under the BNSS, 2023;
  - iv. maintain accurate, contemporaneous, and verifiable records of all bonds executed;
  - v. promptly inform the court and investigating agency of any apprehended breach of bail conditions;
  - vi. any further duties that may be prescribed by NALSA.

#### **11. Prohibited conduct of Professional Bail Bondsmen**

- a) No bail bondsman or business entity shall—
- i. detain, confine, or physically restrain any accused;
  - ii. impersonate or represent themselves as a public authority;
  - iii. solicit business within court premises or places of detention;
  - iv. offer or give any inducement, rebate, or consideration to secure bail business;
  - v. recommend or influence the choice of advocate/legal advisor;
  - vi. advertise in a false, misleading, or deceptive manner or suggest governmental affiliation.

#### ***IV. Fees, Collateral and Financial Liability***

##### **12. Regulation of fees and premiums**

- a) No bail bondsman shall charge or collect any fee, premium, or service charge except in accordance with rates approved by the Authority.
- b) All fees shall be disclosed in writing prior to execution of the bond.

##### **13. Collateral and security**

- a) Collateral accepted shall be proportionate to the bond amount.
- b) Transfer of title to movable or immovable property as a condition for bail is prohibited.
- c) Collateral shall be held in trust and returned immediately upon discharge or exoneration of the bond.

##### **14. Liability, forfeiture and recovery**

- a) Forfeiture of bail bonds shall be governed by the provisions of the BNSS.
- b) Any recovery from the accused or indemnitor shall be limited to the bond amount and reasonable, documented expenses.

## ***V. Foreign National Accused Persons***

### **15. Special provisions for foreign nationals**

- a) No bail bond for a foreign national shall be executed without express permission of the court.
- b) Courts may impose enhanced conditions including—
  - i. deposit of passport;
  - ii. territorial travel restrictions;
  - iii. periodic reporting;
  - iv. higher bond amounts or bank guarantees.

### **16. Coordination with authorities**

- a) The court or Authority may direct coordination with the Bureau of Immigration, FRRO, Ministry of Home Affairs, or Ministry of External Affairs.

### **17. Grounds for suspension or cancellation**

- a) A licence may be suspended or cancelled where the bondsman—
  - i. commits fraud, misrepresentation, or financial impropriety;
  - ii. engages in coercive or unethical practices;
  - iii. repeatedly incurs bond forfeitures;
  - iv. violates court directions or rules under this Rules.
- b) Further any professional bail bondsman found to have committed an infraction in terms of subclause a (i), a (ii) and a (iv) will be liable for criminal prosecution under the BNS, 2023.

## **VI. Records to be Maintained**

### **18. Record-keeping**

- a) Bail bondsmen shall maintain digital and physical records as prescribed.

### **19. Audit and inspection**

- a) The Authority through its authorised officer may conduct inspections and audits.

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