

IA No. 1/2025 in SC No. 277/2025

Case No. VIII/13/DZU/2025

U/s 8(c), 9A, 12, 21, 22, 23, 24, 25, 25A & 29 NDPS Act

NCB Versus Roger Tebudinijjanwa Senoga & Ors.

(Applicant/accused Hasifah Nankya)

11.03.2026

Present: Sh. Avnish Singh, Ld SPP for NCB.

Sh. J.S. Kushwaha, Ld. Counsel for
applicant/accused Hasifah Nankya.

Vide my separate order of even date, the application filed on behalf of the applicant/accused Hasifah Nankya, seeking grant of regular bail is allowed and disposed of accordingly.

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

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/11.03.2026

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

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ORDER

1. Vide this order, I shall dispose of the application filed on behalf of the accused Hasifah Nankya (accused no. 2) seeking grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. It is submitted by Ld. Counsel for applicant/accused and affirmed by the IO that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.

3. The case of the prosecution, as borne out from the complaint and the reply filed by the Narcotics Control Bureau (NCB), in brief, is that on 17.03.2025, on the basis of secret information, a Ugandan national namely Roger Tebudinijjanwa Senoga (A-1) was intercepted at IGI Airport, New Delhi while attempting to travel to Ethiopia. Upon search of his trolley bags, 28.380 kg of Pseudoephedrine concealed inside ladies' suits was allegedly recovered.

4. During investigation, the said accused allegedly disclosed the involvement of other persons forming part of an international narcotics trafficking syndicate. Acting upon the said disclosure, the NCB officials conducted a search on 19.03.2025 at House No. B-20, 2nd Floor, Gali No. 12, Sant Garh, Tilak Nagar, New Delhi, where the present applicant Hasifah Nankya (A-2) and another accused Chibuike Jude Ebuoh (A-3) were found present.

5. During the search of the premises and the belongings of the persons present there, various narcotic and psychotropic substances were allegedly recovered. From the premises and the

belongings of the persons present there, the following substances were allegedly seized:

- Heroin – 191 grams
- Cocaine – 29 grams
- Methamphetamine – 51 grams and 577 grams
- Unknown substances – 322 grams and 1.111 kilograms

6. Further, from the trolley bag allegedly belonging to the present applicant, seven ladies' suits were found inside which appeared unusually heavy. Upon checking the said suits, eight black coloured polythene packets were allegedly recovered which were found concealed within the fabric of the suits. The crystalline substance contained therein, upon weighing, was found to be 2.072 kilograms of Pseudoephedrine.

7. It is the case of the prosecution that the said contraband was concealed in the suits and that the applicant was part of an organized international drug trafficking network involving several foreign nationals. It is further alleged that during

investigation the applicant made a statement under Section 67 NDPS Act and disclosed the involvement of other members of the syndicate including Aisha @ Mama, Chris (A-4), Richmond @ Big Dad (A-5) and others.

8. The prosecution further states that pursuant to the disclosure of co-accused persons, further investigation was carried out and on 22.03.2025, 1.041 kg of Pseudoephedrine was allegedly recovered from a scooty bearing registration No. DL4S DD 9280, which was linked to accused Richmond @ Big Dad (A-5).

9. It is further alleged that during the course of investigation, on 26.04.2025, a vehicle bearing registration No. DL1RTC6268 was intercepted near Ghevra Colony, Delhi and 30.383 kg of Pseudoephedrine was allegedly recovered from the said vehicle, whereupon Ramakant (A-6) was apprehended.

10. The prosecution has thus contended that the present case involves a large-scale international trafficking network dealing

with controlled substances and narcotic drugs, and that the applicant was actively involved in the said syndicate.

11. Learned counsel appearing for the applicant has submitted that the applicant has been falsely implicated in the present case and that she has been in judicial custody since 19.03.2025.

12. It is submitted that the recovery allegedly effected from the applicant pertains to Pseudoephedrine, which is a controlled substance and not a narcotic drug or psychotropic substance, and therefore the rigours of Section 37 NDPS Act are not attracted. Reliance has been placed upon the judgment of the Hon'ble Delhi High Court in Tunkara Ali vs. Narcotics Control Bureau (Bail Appln. 3490/2021 decided on 05.04.2022).

13. It is further submitted that the alleged recovery has been shown from Flat No. B-20, Tilak Nagar, which was neither in possession nor tenancy of the present applicant, the same being the premises of co-accused Chibuike Jude Ebuoh. It is argued that the mere presence of the applicant at the said premises

cannot lead to a presumption that she was in conscious possession of the alleged contraband. It is further argued that the prosecution has relied upon CDR connectivity between the applicant and certain co-accused persons, however the transcripts of such conversations have not been placed on record, and therefore mere connectivity cannot establish participation in a conspiracy.

14. Learned counsel has further submitted that the prosecution has alleged that the applicant had deleted certain chats allegedly exchanged with co-accused Chris, however the mere deletion of chats, in the absence of recovery of the contents of the conversations, cannot be treated as evidence of conspiracy.

15. It is therefore argued that the material against the applicant essentially consists of her presence at the premises along with co-accused Chibuike, alleged CDR connectivity with other accused persons and the disclosure statement recorded under Section 67 NDPS Act, which by itself cannot justify continued incarceration.

16. It is further argued that the prosecution has also contended that the applicant was the tenant of premises bearing No. WZ-53, Ground Floor, Sant Garh, from where certain bags allegedly containing narcotic substances were removed one day prior to the recovery allegedly effected from co-accused Ramakant. However, it is submitted that no recovery has been effected from the said premises, and there is no material to show that the applicant had knowledge of the contents of the alleged bags or that such bags were kept there by her.

17. It is lastly submitted that the applicant is a woman aged about 42 years and the mother of a minor child, has no previous criminal antecedents, and undertakes to abide by any conditions that may be imposed by this Court.

18. Per contra, learned Special Public Prosecutor for the NCB has vehemently opposed the bail application and submitted that the present case involves commercial quantity of narcotic and psychotropic substances and forms part of an international narcotics trafficking syndicate. It is submitted that 2.072 kg of

pseudoephedrine was recovered from the trolley bag of the applicant, and other narcotic substances including heroin, cocaine and methamphetamine were also recovered from the same premises.

19. It is further argued that the investigation has revealed the involvement of multiple accused persons including foreign nationals who were operating as part of a well-organized trafficking network, and that digital evidence recovered from the mobile phones of the accused persons establishes their inter-connectivity.

20. Learned SPP has further argued that the applicant is a foreign national having no permanent residence or family roots in India, and therefore there exists a strong likelihood of absconding if she is released on bail. It is therefore submitted that in view of the commercial quantity involved and the bar under Section 37 NDPS Act, the applicant is not entitled to bail.

21. I have heard the learned counsel for the applicant and the learned Special Public Prosecutor for NCB at length and have carefully perused the material available on record.

22. At the outset, it must be noted that the allegations in the present case are serious in nature. As per the prosecution, a large quantity of Pseudoephedrine, which is a controlled substance under the NDPS Act, was recovered in different stages of investigation, including 28.380 kg from accused Roger at IGI Airport, 2.072 kg from the trolley bag allegedly belonging to the present applicant, 1.041 kg from a scooty linked to co-accused Richmond and 30.383 kg from a vehicle from which co-accused Ramakant was apprehended. Apart from this, various quantities of Heroin, Cocaine and Methamphetamine were also allegedly recovered during the search of the premises at Tilak Nagar. The prosecution has thus projected the case as involving an organized network engaged in trafficking of controlled substances and narcotic drugs.

23. The seriousness of the alleged offence and the quantity involved cannot be lightly disregarded. Offences under the NDPS Act, particularly those involving commercial quantity and organized trafficking, have grave ramifications on society and therefore the statutory restrictions contained in Section 37 NDPS Act require careful consideration by the Court while deciding applications for bail.

24. However, it is equally well settled that while considering a bail application, the Court is required to examine the nature of the accusation, the role attributed to the accused, the material placed on record and the stage of the proceedings, without undertaking a detailed appreciation of evidence which is the domain of the trial.

25. In the present case, the prosecution has attributed recovery of 2.072 kg of Pseudoephedrine from the trolley bag allegedly belonging to the applicant. It is not in dispute that Pseudoephedrine is a controlled substance regulated under Section 9A NDPS Act. The contravention of an order made u/s 9

A is punishable under Section 25A NDPS Act. The Hon'ble Delhi High Court in Tunkara Ali vs. NCB has observed that offences involving pseudoephedrine require a nuanced consideration while applying the rigours of Section 37 NDPS Act.

26. Further, the prosecution has relied upon the statement allegedly made by the applicant under Section 67 NDPS Act. However, the evidentiary value of such statements is limited in view of the law laid down by the Hon'ble Supreme Court in Tofan Singh vs. State of Tamil Nadu (2021) 4 SCC 1, wherein it has been held that statements recorded under Section 67 NDPS Act cannot be treated as confessional statements admissible in evidence.

27. It has also been argued on behalf of the applicant that the alleged recovery in the present case was effected from Flat No. B-20, Tilak Nagar, which admittedly was neither in possession nor tenancy of the present applicant, the same being the premises of co-accused Chibuike Jude Ebuoh. The presence of the

applicant at the said premises, by itself, cannot automatically lead to a presumption of conscious possession, particularly when the prosecution itself states that the premises was taken on rent by the co-accused.

28. The prosecution has also relied upon call detail records (CDR) showing connectivity between the applicant and other accused persons. However, at this stage it is noted that mere CDR connectivity, without the transcripts or context of the conversations, does not by itself establish participation in a criminal conspiracy. The transcripts of the alleged conversations have not been placed before the Court. Similarly, the prosecution has contended that the applicant had allegedly deleted certain WhatsApp chats exchanged with co-accused Chris. Even assuming the said allegation to be correct, the mere deletion of chats, in the absence of recovery of the contents of such conversations or corroborative evidence, cannot by itself conclusively establish participation in the alleged conspiracy. Reliance is placed on the decision of Hon'ble High Court of

Delhi titled Kunwar Pal v. State through SHO, PS Special Cell,
Neutral Citation: 2024: DHC: 1423.

29. The prosecution has further contended that the applicant was the tenant of premises bearing No. WZ-53, Ground Floor, Sant Garh, and that certain bags allegedly containing narcotic substances were removed from the said premises one day prior to the recovery effected from co-accused Ramakant and that a video of the said bags was found in the mobile phone of co-accused Richmond @ Big Dad.

30. However, it is noteworthy that no recovery of contraband has been effected from the said premises WZ-53. The prosecution has also not placed any material at this stage to demonstrate that the applicant had knowledge of the contents of the bags allegedly removed by co-accused Richmond and Ramakant, nor is there any material to show that the alleged bags containing contraband were kept in the said premises by the applicant.

31. Therefore, the connection sought to be drawn between the applicant and the contraband allegedly recovered subsequently from co-accused persons appears, at this stage, to be largely inferential, and would necessarily require proof during the course of trial. For this reason, the Court is of a view that rigours of Section 37 of the NDPS Act prima facie are not applicable to the present applicant.

32. It is also relevant to note that the applicant is a woman accused, who has remained in judicial custody since 19.03.2025, and the complaint in the present case has already been filed. The trial in cases under the NDPS Act, particularly where multiple accused persons and voluminous evidence are involved, is likely to take considerable time to conclude.

33. Without expressing any opinion on the merits of the case and keeping in view the nature of the material presently available against the applicant, the stage of the proceedings, and the period of incarceration already undergone, this Court is of the view that

the applicant has been able to make out a case for grant of bail. Accordingly, the application is allowed.

34. The accused Hasifah Nankya is admitted to regular bail on furnishing a personal bond of Rs.1,00,000/- with two sureties of the like amount to the satisfaction of this Court on following conditions :-

(i) She shall deposit her passport, if not already deposited/impounded and she shall not leave the country without the permission of this Court.

(ii) She shall not try to tamper the evidence or hamper the trial or try to influence the remaining witnesses, in any manner.

(iii) She shall furnish her present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the IO concerned.

(iv) She shall mark her attendance in the NCB Office, on the first Monday of each calendar month, till the trial is completed.

(v) She shall not commit any offence, whatsoever, during

the period she remains on bail in the present case.

(vi) She shall attend the trial without any single default.

(vii) She shall be released subject to production of valid passport and visa. If the visa is expired, same must be applied online from the jail and the State shall provide all necessary assistance. It is made abundantly clear that until and unless valid passport and visa is produced, she shall not be released on bail.

(viii) She shall register herself with the FRRO, within two weeks of the date of her release.

(ix) She shall obtain a SIM card in her own name, on the basis of the passport and shall give the details of the number to this Court and to the IO.

(x) She shall inform the place of residence along with valid proof and report any changes within one week, to both the Court and IO.

(xi) She shall file an affidavit within two weeks of her release on bail, stating the source of her funds and source of income in India, giving details of her bank account.

35. Nothing stated herein shall tantamount to any expression or opinion on the merits of the case.

36. Copy of this order be sent to concerned Jail Superintendent, for necessary intimation to the applicant/accused.

37. Application is disposed of accordingly. A copy of this order be given *dasti* to all concerned parties.

(Jitendra Pratap Singh)
ASJ NDPS Act
(Special Judge)/PHC
NDD/11.03.2026