IA No. 7/2025 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 Ramakant)

11.03.2026

Present: Sh. Avnish Singh, Ld SPP for NCB.
Sh. J.S. Kushwaha, Ld. Counsel for applicant/accused Ramakant.

Vide my separate order of even date, the application filed on behalf of the applicant/accused Ramakant, 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.

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(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

IA No. 7/2025 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 Ramakant)

11.03.2026

ORDER

1. Vide this order, I shall dispose of the application filed on behalf of accused Ramakant seeking grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. It was 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

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information, accused Roger Tebudinijjanwa Senoga (A-1), a Ugandan national, was intercepted at IGI Airport, New Delhi, while attempting to board a flight to Ethiopia. Search of his trolley bags allegedly led to the recovery of 28.380 kg of Pseudoephedrine concealed in ladies' suits.

4. During follow-up investigation, on the basis of the disclosure of accused Roger, a search was conducted on 19.03.2025 at House No. B-20, 2nd Floor, Gali No. 12, Sant Garh, Tilak Nagar, New Delhi, where accused Hasifah Nankya (A-2) and Chibuike Jude Ebuoh (A-3) were found present. During the said search, the prosecution alleges recovery of 191 grams of Heroin, 29 grams of Cocaine, 51 grams and 577 grams of Methamphetamine, 322 grams and 1.111 kg of unknown substances, and 2.072 kg of Pseudoephedrine concealed in ladies' suits.

5. It is further the case of the prosecution that on the disclosure of accused Chibuike Jude Ebuoh (A-3), search conducted on 22.03.2025 led to the seizure of 1.041 kg of Pseudoephedrine from a scooty bearing registration No. DL4S DD 9280, allegedly linked to accused Richmond @ Mr. Big Dad (A-5).

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6. The prosecution further alleges that later, on the disclosure of accused Richmond @ Big Dad (A-5), 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 two red coloured trolley bags kept in the said vehicle. The said vehicle is stated to be owned by the present applicant/accused Ramakant (A-6), who was allegedly apprehended on the spot and thereafter arrested in the present case.

7. It is further the case of the prosecution that during interrogation, the accused Ramakant tendered a statement under Section 67 NDPS Act, wherein he allegedly disclosed that about one year earlier he had come into contact with an African national namely Okosi @ John / Richmond @ Big Dad, initially through online taxi booking, and later agreed, due to financial need, to transport bags containing drugs and to exchange money on his instructions. It is alleged that he disclosed that on 24.04.2025, Richmond handed over to him two red trolley bags, each containing approximately 15 kg of Pseudoephedrine, which he kept in his vehicle and which were recovered on 26.04.2025.

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8. The prosecution further relies upon the subsequent statement allegedly made by the accused on 27.04.2025, wherein he is stated to have disclosed that on the instructions of accused Richmond, he had on several occasions travelled to Mumbai and Bengaluru carrying bags for delivery to a woman known as Aisha Mama, and that he had also shared OTP of his SBI bank account with co-accused Chris, through which certain sums were received and later withdrawn and handed over.

9. The prosecution also relies upon the statement of co-accused Richmond (A-5), who allegedly stated that accused Ramakant had picked up the two red trolley bags containing Pseudoephedrine from him at Sant Garh, Tilak Nagar, and was to deliver the same to another party.

10. It is further the case of the prosecution that the mobile data of accused Richmond revealed alleged chats concerning bank account details, travel details and certain photographs and that the account details of accused Ramakant were allegedly shared in such chats. The prosecution, on the basis of the aforesaid material, contends that accused Ramakant was actively involved in a larger international trafficking syndicate.

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11. Learned counsel for the applicant has submitted that the applicant has been falsely implicated and has remained in judicial custody since 26.04.2025. It is argued that the substance allegedly recovered from the vehicle of the applicant is Pseudoephedrine, which is a controlled substance and therefore the embargo of Section 37 NDPS Act is not attracted in the same manner. In this regard reliance has been placed upon the judgment of the Hon'ble Delhi High Court in Tunkara Ali vs. Narcotics Control Bureau, Bail Application No. 3490/2021, decided on 05.04.2022.

12. It is further submitted that the applicant is merely a taxi driver, and being a driver he was not supposed to look into the contents of the luggage or bags of passengers. It is argued that the prosecution is attempting to attribute conscious possession merely because the alleged bags were found in a vehicle owned by him, whereas the mere fact that the vehicle belongs to him is not sufficient to conclusively infer knowledge of the contents of the bags.

13. Learned counsel has further argued that there is no such large money transaction between the applicant and the other co-accused to prima facie show that he was engaged in the trade of

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narcotics or contraband substances. It is submitted that the allegation that the accused/applicant had withdrawn large sums of money to the tune of Rs.2-3 Lakhs received in his bank account from various purchasers of contrabands and handed this money to accused Roger, is vague and unsupported with any material. It is submitted that even if some money was received by the applicant, the same cannot at this stage be presumed to be proceeds of crime, and such receipts could well be referable to taxi charges.

14. It is also argued that there is no CDR connectivity of the applicant with co-accused Chris or Hasifah, and therefore the prosecution theory of applicant being a connected part of a larger conspiracy is not supported by corresponding telephonic linkage with all the alleged members of the syndicate.

15. It is further argued that the prosecution is relying upon the disclosure statement of the applicant and that of co-accused persons, but in view of the law laid down in Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1, such statements cannot be treated as confessional statements.

16. It is lastly submitted that the chargesheet/complaint has already been filed, the matter is at the stage of consideration on

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charge, the applicant is a young man of 32 years having a wife and minor child, has no previous conviction, and undertakes to abide by any condition imposed by the Court.

17. Per contra, learned Special Public Prosecutor for NCB has strongly opposed the application and submitted that the present case involves commercial quantity of controlled substance and is part of an organized international drug trafficking network.

18. It is submitted that 30.383 kg of Pseudoephedrine was recovered from the vehicle bearing No. DL1RTC6268, which is owned and controlled by the applicant. It is further submitted that the applicant was apprehended in connection with the said recovery and that his own statement under Section 67 NDPS Act clearly demonstrates his knowledge of and participation in the transportation of contraband.

19. Learned SPP has further argued that the applicant disclosed that he had previously transported similar bags to Mumbai and Bengaluru on the instructions of co-accused Richmond and had also facilitated monetary transactions by allowing his bank account to be used. It is submitted that such material clearly shows that the applicant was not an innocent taxi driver but an active participant in the trafficking operation.

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20. It is further argued that the statement of co-accused Richmond corroborates the involvement of the applicant and that the digital material recovered during investigation also points towards sharing of account details and travel particulars involving the applicant.

21. The prosecution has further contended that the quantity recovered is of commercial quantity and therefore the bar under Section 37 NDPS Act squarely applies. It is submitted that in view of the gravity of allegations, the applicant is not entitled to bail.

22. I have heard the learned counsel for the applicant/accused Ramakant and the learned Special Public Prosecutor for NCB at length. I have also carefully perused the complaint, the reply filed by the prosecution, and the material referred to by both sides.

23. At the outset, it must be observed that the allegations in the present case are grave and cannot be treated lightly. The prosecution case, taken at face value, discloses successive recoveries during the course of investigation, namely 28.380 kg of Pseudoephedrine from accused Roger at IGI Airport, 2.072 kg of Pseudoephedrine from the trolley bag allegedly belonging to

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accused Hasifah, 1.041 kg of Pseudoephedrine from a scooty allegedly linked to accused Richmond, and finally 30.383 kg of Pseudoephedrine from vehicle no. DL1RTC6268 allegedly connected with the present applicant Ramakant. Besides the above, other contraband substances including Heroin, Cocaine and Methamphetamine are also stated to have been recovered from the Tilak Nagar premises during the course of investigation. The prosecution has, therefore, projected the matter as involving an organized and interlinked trafficking network.

24. There can be no quarrel with the proposition urged on behalf of the prosecution that offences under the NDPS Act, particularly those involving commercial quantity or organized trafficking, affect society at large and are required to be dealt with with due seriousness. Equally, the Court is conscious of the settled position that in such matters liberal considerations ordinarily applicable in simple bail matters do not mechanically apply. At the same time, the seriousness of the allegation, by itself, cannot substitute the judicial duty of examining the specific role of the applicant, the nature of the material actually available against him, and whether such material, at this stage, justifies continued incarceration till conclusion of trial.

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25. The core allegation against the present applicant Ramakant is that 30.383 kg of Pseudoephedrine was recovered from two red trolley bags kept in vehicle bearing registration no. DL1RTC6268, which is stated to be owned by him. The prosecution further relies upon firstly, on the alleged statement of the present applicant under Section 67 NDPS Act; secondly, on the alleged statement of co-accused Richmond @ Big Dad; and thirdly, on certain digital material said to reflect travel particulars, bank details and some interaction between the present applicant and co-accused persons.

26. The first aspect which requires notice is the legal character of the substance allegedly recovered. The substance is Pseudoephedrine, which is a controlled substance under the statutory scheme. The applicant has relied upon the judgment in Tunkara Ali (Supra) to contend that the rigours of Section 37 NDPS Act are not to be mechanically invoked in such matters. The prosecution, on the other hand, has submitted that once the case pertains to illicit trafficking of a controlled substance punishable under the Act and the quantity is large, the embargo under Section 37 would apply with full force. At this stage, it is not necessary to render any final opinion on this larger legal controversy, for the simple reason that even if the Court proceeds

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cautiously and assumes that the matter requires a stricter level of scrutiny, the role attributed to the present applicant must still be independently examined on the basis of the material available against him.

27. The prosecution has placed considerable reliance on the alleged statement of the applicant under Section 67 NDPS Act, wherein he is stated to have disclosed his acquaintance with accused Richmond and further stated that he had on earlier occasions transported bags and dealt with money transactions on the instructions of the said co-accused. However, after the authoritative pronouncement of the Hon'ble Supreme Court in Tofan Singh (Supra), the evidentiary value of a statement under Section 67 stands substantially diluted insofar as it cannot be treated as a confession in the conventional sense. Such a statement may form part of the investigative material, but its ultimate evidentiary value must necessarily be tested during trial. Therefore, at the stage of bail, the Court cannot place unqualified reliance upon the contents of such statement as if the same conclusively establishes guilt of the accused.

28. The prosecution has also relied upon the statement of co-accused Richmond, who is stated to have disclosed that the

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present applicant had picked up the two red trolley bags containing Pseudoephedrine and was to deliver them further. Here again, this circumstance is undoubtedly relevant, but it remains a statement of a co-accused recorded during investigation and would also require due proof and corroboration during trial. At the stage of bail, such material can certainly be looked into, but the Court must be careful not to treat the same as if the chain of guilt already stands conclusively established.

29. The defence has specifically argued that the applicant is a taxi driver, and that the prosecution is seeking to infer conscious possession solely from the fact that the bags were recovered from his vehicle. This submission deserves due consideration. It is true that ownership or control of a vehicle in which contraband is found is a significant circumstance. However, in law, conscious possession is not to be presumed merely from physical presence alone. The surrounding circumstances must indicate knowledge and dominion coupled with awareness of the nature of the substance. In the present case, the applicant's explanation is that, as a taxi driver, he was not expected to inspect the contents of every bag or trolley carried by or for passengers. This explanation may or may not ultimately be accepted at trial, but at this stage it cannot be brushed aside as inherently absurd,

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especially where the prosecution seeks to establish knowledge substantially through disclosure statements and collateral digital material.

30. It has further been argued on behalf of the applicant that there is no substantial monetary trail so far brought on record to unmistakably indicate that he was engaged in narcotics trafficking for profit. The prosecution has indeed alleged that certain amounts passed through his bank account and that he shared OTP details, but the reply, as placed before this Court, does not disclose at this stage a clear financial analysis demonstrating that the amounts involved were of such magnitude or pattern that they could not reasonably be explained as transport or taxi-related earnings. The defence contention that any sums received may relate to taxi charges or transport services cannot, in the present state of the record, be said to be wholly implausible. Whether the banking transactions were innocent or incriminating is plainly a matter that would require deeper evidentiary scrutiny at the stage of trial. Similarly, no presumption can be drawn that the cash amounts withdrawn by this accused from his bank account were related to trade of contraband.

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31. Another circumstance pointed out by the defence is that there is no CDR connectivity of the present applicant with co-accused Chris or Hasifah. The prosecution has relied more prominently on the applicant's alleged connection with accused Richmond. This distinction assumes significance because the prosecution has portrayed the matter as a broad and well-knit international conspiracy involving several participants. If the present applicant's direct linkage is primarily with Richmond and not demonstrably with all the major participants, then at least at this stage the extent of his participation in the larger conspiracy remains a matter requiring proof. It may well be that the prosecution ultimately succeeds in establishing a transport role played by him with requisite knowledge. However, the available material does not justify the inference, at the stage of bail, that the accused was an aware participant in the entire syndicate projected by the prosecution.

32. The prosecution has also referred to alleged past travel by the applicant to Mumbai and Bengaluru on the instructions of co-accused Richmond for delivery of bags to a woman known as Aisha Mama. This is undoubtedly a serious allegation. Yet, as noticed above, this aspect again substantially rests on the applicant's own disclosure statement. The prosecution may well

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establish this aspect by independent evidence during trial. However, at this stage, the Court has to be cautious in relying upon these inferences drawn by the prosecution in order to authorize further custody of the accused.

33. In light of the above mentioned discussion, the Court is of a view that considering the role of the present applicant and the material collected during the investigation, he cannot be prima facie considered as an abettor or part of a criminal conspiracy, so as to attract the rigour of Section 37 of NDPS Act.

34. It is also relevant to note that the applicant has remained in judicial custody since 26.04.2025. The complaint has already been filed and the matter is at the stage of consideration on charge. Thus, the investigation qua the present applicant, for the purpose of the present proceedings, stands substantially crystallized. The continued detention of an undertrial is ordinarily justified either where further custodial investigation is required or where there is a serious likelihood of absconding, tampering with evidence, influencing witnesses or repeating the offence. In the present matter, the prosecution has no doubt expressed apprehension of such consequences, but the same can be addressed by imposing strict and effective conditions.

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35. The applicant is an Indian national, stated to be having a wife and a minor child. He is not shown to be a previous convict. The trial in a case of this nature, involving multiple accused, digital material, official witnesses, seizure witnesses and forensic records, is likely to take a considerable period of time. Pre-trial incarceration cannot be allowed to assume a punitive character, particularly where the exact degree of complicity of the applicant in the broader conspiracy is yet to be conclusively established.

36. Without expressing any final opinion on the merits of the case, and considering the period of incarceration already undergone, the filing of the complaint, the stage of the case, and the fact that the material relied upon by the prosecution is yet to be tested at trial, this Court is of the view that the applicant has made out a case for grant of regular bail, subject, however, to stringent conditions so as to secure his presence and protect the fairness of the trial.

37. The accused Ramakant is admitted to regular bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety in the like amount, subject to the subject to the following conditions:

(i) He shall deposit his passport, if not already

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deposited/impounded and he shall not leave the country without the permission of this Court.

(ii) He shall duly join the investigation, as and when called upon by the IO, and shall not seek unnecessary adjournments,

(iii) He shall not try to tamper the evidence or hamper the trial or try to influence the witnesses, in any manner.

(iv) He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the Court.

(v) He shall attend the trial without any justified default.

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

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

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

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