

IA No. 8/2025 in SC No. 277/2025
NCB Versus Roger Tebudinjjanwa Senoga
Case No. VIII/13/DZU/2025
Under Sections: 9A/23/25A/29 NDPS Act
PS: NCB, R.K. Puram

11.03.2026

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

Sh. Javed Khan, Ld. counsel for applicant/accused.

Vide my separate order of even date, the application filed on behalf of the applicant/accused Roger Tebudinjjanwa Senoga, seeking grant of regular bail is dismissed 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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Case No. VIII/13/DZU/2025
Under Sections: 9A/23/25A/29 NDPS Act
PS: NCB, R.K. Puram
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ORDER

1. Vide this order, I shall decide the application filed on behalf of the applicant/accused Roger Tebudinjanwa Senoga under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in the present case.

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, in brief, is that on 17.03.2025, officers of the Narcotics Control Bureau received specific intelligence that a Ugandan national namely Roger Tebudinjanwa Senoga would attempt to smuggle a large quantity of a controlled substance outside India while travelling from IGI Airport, New Delhi to Addis Ababa, Ethiopia by flight No. ET-869. Acting upon the said information, the NCB team intercepted the applicant at Terminal-3, IGI Airport. Search of two blue coloured trolley bags belonging to the applicant was conducted in

the presence of an independent witness. During the search, 28.380 kilograms of pseudoephedrine, concealed inside ladies' suits and garments, was recovered from the baggage of the applicant. Pseudoephedrine is a controlled substance notified under Section 9A of the NDPS Act.

4. During investigation, the disclosure made by the applicant led the NCB team to premises situated at Sant Garh, Tilak Nagar, New Delhi, where co-accused Hasifah Nankya (A-2) and Chibuike Jude Ebuoh (A-3) were found present. Search of the said premises resulted in recovery of heroin, cocaine, methamphetamine and other substances including pseudoephedrine, some of which fall within commercial quantity under the NDPS Act.

5. Further investigation led to the arrest of other accused persons including Chris Iorliam Gemanam (A-4), Richmond @ Big Dad (A-5) and Ramakant (A-6). On the disclosure of co-accused Richmond, a further recovery of 30.383 kilograms of pseudoephedrine was effected from a vehicle.

6. Digital data extracted from the mobile phone of the applicant allegedly revealed communication with several accused persons connected with the trafficking network. The prosecution has alleged that the present applicant was acting as a courier within a larger organized syndicate involved in illicit trafficking of controlled substances.

7. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. It is

argued that the recovered substance is pseudoephedrine, which is a controlled substance and not a narcotic drug or psychotropic substance, and therefore the rigours ordinarily applicable to commercial quantity cases do not arise.

8. It is further argued that nothing incriminating has been recovered from the WhatsApp chats allegedly retrieved from the mobile phone of the applicant and there is no reference to any contraband in the said chats. It is also contended that the investigating agency did not verify the identity or CAF details of the mobile number saved as “Chris Bro” in the mobile phone of the applicant.

9. Learned counsel further submits that the prosecution relies upon the alleged statement of the applicant recorded under Section 67 of the NDPS Act, which is not admissible in evidence in view of the judgment of the Hon’ble Supreme Court in Tofan Singh v. State of Tamil Nadu. It is also submitted that the investigation is complete and the complaint has been filed, and therefore continued incarceration of the applicant would amount to pre-trial punishment. The applicant has expressed willingness to comply with any conditions imposed by this Court.

10. Per contra, learned Special Public Prosecutor for NCB has opposed the bail application and submitted that the applicant was apprehended red-handed at the international airport while attempting to export a large quantity of pseudoephedrine outside India. It is argued that the investigation has revealed a well-organized international trafficking network involving several

foreign nationals.

11. It is further submitted that recoveries of narcotic drugs were effected from the premises of co-accused persons pursuant to the disclosure of the present applicant and therefore his role cannot be viewed in isolation. It is also argued that the applicant is a foreign national with no roots in India, and therefore there exists a serious likelihood of his absconding if released on bail.

12. I have heard the learned counsel for the parties and carefully perused the material available on record.

13. At the outset, it is to be noted that the applicant was intercepted at IGI Airport while attempting to board an international flight and 28.380 kilograms of pseudoephedrine was recovered from his baggage. The quantity recovered is substantial and the manner of concealment inside garments prima facie indicates a deliberate attempt to evade detection.

14. The investigation carried out thereafter has revealed the existence of a larger drug trafficking network involving multiple accused persons. On the disclosure of the applicant, searches were conducted at premises in Tilak Nagar where narcotic drugs including heroin, cocaine and methamphetamine were recovered. Further recoveries were also effected during investigation.

15. At this stage, the Court is not required to conduct a meticulous appreciation of evidence. The material placed on record by the prosecution, including the recovery effected from the applicant and the subsequent recoveries during investigation,

prima facie indicate that the applicant was not acting in isolation but was part of a coordinated trafficking operation.

16. The contention of the applicant that nothing incriminating is reflected in the WhatsApp chats and that the identity of the mobile numbers has not been verified are matters which pertain to appreciation of evidence during trial and cannot be conclusively examined at the stage of bail.

17. Similarly, the submission regarding the admissibility of the statement recorded under Section 67 NDPS Act also relates to evidentiary appreciation and cannot be finally adjudicated at this stage.

18. Learned counsel for the applicant has relied upon the judgments in *Dhirendra Prakash Saxena v. Directorate of Revenue Intelligence*, 2023:DHC:3363 and *Nastor Farirai Ziso v. NCB*, 2021:DHC:1410.

19. A perusal of the said decisions would reveal that they were rendered in their own factual context. In *Dhirendra Prakash Saxena*, bail was granted primarily in circumstances where the prosecution case rested substantially on documentary material and statements of co-accused without a comparable recovery directly attributable to the applicant. In the present case, however, the applicant was intercepted at the airport and a substantial quantity of pseudoephedrine was recovered directly from his baggage, which prima facie establishes conscious possession.

20. Likewise, the decision in *Nastor Farirai Ziso* (supra) also turned upon its own facts and circumstances. In the present case, the investigation has revealed the involvement of several accused persons and subsequent recoveries of narcotic drugs during follow-up investigation, thereby indicating the existence of a larger trafficking network, which materially distinguishes the present case.

21. It is a settled principle that bail precedents must be applied having regard to the peculiar facts and circumstances of each case and the presence of additional incriminating circumstances may justify a different conclusion.

22. In the present case, having regard to the direct recovery from the applicant at the airport, the magnitude of the quantity recovered, the subsequent recoveries from co-accused persons and the material on the basis of his disclosure indicating the existence of a larger trafficking network, this Court is of the view that the applicant has not made out a case warranting exercise of the discretionary relief of bail.

23. Further, the applicant is a foreign national with no permanent roots in India and considering the transnational nature of the alleged offence, the possibility of the applicant absconding or evading the process of law cannot be ruled out.

24. Having regard to the serious nature of the allegations, the manner of recovery and the material collected during

investigation, this Court is not inclined to grant bail to the applicant at this stage.

25. Consequently, the bail application filed by accused Roger Tebudinjanwa Senoga is dismissed.

26. Nothing expressed herein shall have any bearing on the merits of the case.

27. The coversheet in compliance of the practice directions no. 124/Rules/DHC dated 10.12.2024, containing the directions passed by the Hon'ble Supreme Court of India in "***Suhas Chakma Vs. Union of India & Ors.***", Neutral Citation 2024 INSC 813 is issued separately.

28. Application is disposed of accordingly.

29. Copy of the present order be given *dasti* and same be also sent to concerned jail superintendent, to be supplied to the applicant/accused.

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