

**IA No. 3/2025 in SC No. 277/2025**  
**NCB Versus Chris Iorliam Gemanam**  
**NCB Crime No. VIII/13/DZU/2025**

11.03.2026

Present: Sh. Avnish Singh, Ld SPP for NCB.  
Sh. Meghan, Ld. counsel for applicant/accused.

Vide my separate order of even date, the application filed on behalf of the applicant/accused Chris Iorliam Gemanam, 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**

**IA No. 3/2025 in SC No. 277/2025  
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**ORDER**

1. Vide this order, I shall decide the application filed on behalf of the applicant/accused Chris Iorliam Gemanam under Section 483 BNSS 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. Briefly stated, the case of the prosecution is that on 17.03.2025, acting upon specific intelligence, officials of NCB intercepted accused Roger Tebudinjjanwa Senoga (A-1) at IGI Airport, New Delhi while he was attempting to board a flight to Addis Ababa. Search of his baggage allegedly resulted in recovery of 28.380 kilograms of pseudoephedrine concealed inside garments.

4. It is the case of the prosecution that on the basis of disclosure of accused Roger, follow-up proceedings were

conducted at premises in Sant Garh, Tilak Nagar, Delhi, where co-accused Hasifah Nankya (A-2) and Chibuike Jude Ebuoh (A-3) were found present. During search of the premises, various substances including heroin, cocaine, methamphetamine and pseudoephedrine were recovered.

5. The prosecution further states that certain documents and a laptop stated to be connected with the present applicant were recovered from the said premises linked to the accused persons. Deleted chats allegedly reflecting communication between accused Roger and the present applicant were also retrieved from electronic devices. On the basis of the said material, a Look Out Circular was opened against the present applicant. Subsequently, on 22.04.2025, when the applicant arrived at IGI Airport, he was detained by Immigration Authorities and was handed over to the NCB. During further investigation, co-accused Richmond @ Big Dad (A-5) and Ramakant (A-6) were also apprehended. From Ramakant, a further quantity of 30.383 kilograms of pseudoephedrine was allegedly recovered from a vehicle.

6. Learned counsel for the applicant has argued that the applicant has been falsely implicated and that no recovery whatsoever has been effected from his possession or at his instance. It is submitted that the applicant was arrested about one month after the initial recovery, and despite his custody no further recovery was effected on the basis of his disclosure.

7. Learned counsel has further argued that the printouts of

WhatsApp chats cannot be relied upon, particularly when there is no explicit reference to contraband in the conversations. It is also submitted that the mobile phones and laptops were not sealed before being sent for examination, and therefore the possibility of tampering with the data cannot be ruled out. It is further argued that there is no material to show that the laptop allegedly recovered belonged to the applicant or that it was ever in his possession.

8. Learned counsel has also contended that the prosecution has referred to photographs of suspected substances but there is no material showing that such photographs correspond to any recovery in the present case. It is further argued that financial transactions allegedly attributed to the applicant have not been linked with any contraband recovery, and mere contact with other accused persons cannot establish criminal conspiracy.

9. Learned counsel has also submitted that the statement under Section 67 NDPS Act is inadmissible, particularly when it has not resulted in any discovery.

10. In support of the prayer of bail, reliance has been placed by the Ld. Counsel on the judgments in Sabir Ali @ Sikku, 2026: DHC: 179, Bharat Chaudhary v. Union of India, Petition for Special Leave to Appeal (Crl.) No. 5703 of 2021, decided on 13.12.2021 by Hon'ble Supreme Court of India, Masoom Alam v. State (NCT of Delhi), Bail Application No. 2969/2025, decided on 10.10.2025 by the Hon'ble High Court of Delhi and Jasbir

Singh v. NCB, Bail Application No. 1120/2022, decided by Hon'ble High Court of Delhi on 13.01.2023 .

11. Per contra, learned Special Public Prosecutor for NCB has opposed the application and submitted that the present case concerns a well-organized international drug trafficking network involving several accused persons and multiple recoveries. It is argued that the role of the present applicant has emerged during investigation through digital material, documents recovered from premises connected with the network, and disclosures made during investigation. It is further submitted that the applicant is a foreign national with no permanent roots in India, and there exists a serious apprehension that he may abscond if released on bail.

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

13. It is correct that no contraband recovery has been effected directly from the present applicant at the time of his apprehension. However, the absence of direct recovery is not decisive where the prosecution case is based on criminal conspiracy and coordinated trafficking activity involving several accused persons.

14. The material collected during investigation reflects that the alleged role of the applicant surfaced during follow-up investigation after the initial airport recovery and subsequent searches conducted at premises connected with the accused

persons. The submissions regarding admissibility of the Section 67 statement, alleged improper sealing of devices, and the evidentiary value of WhatsApp chats pertain essentially to appreciation of evidence and would require examination during trial. At the stage of bail, the Court cannot undertake a detailed scrutiny of such evidentiary aspects so as to exclude the prosecution material altogether.

15. Learned counsel for the applicant has relied upon the judgment in *Sabir Ali @ Sikku (Supra)* to contend that photographs or images allegedly recovered from electronic devices cannot by themselves establish that the depicted substance is contraband. In the said case, the Hon'ble High Court had observed that mere photographs purportedly depicting ganja could not be relied upon in the absence of supporting digital integrity material such as metadata, mirror image extraction or any other corroborative evidence linking the photographs with an actual recovery of contraband. The Hon'ble Court also noted that apart from the said photographs, there was no independent incriminating material connecting the accused with the alleged offence. The said judgment, however, turned upon the peculiar facts of that case where the prosecution case substantially rested on doubtful photographic material. In the present matter, the prosecution case does not hinge merely on photographs allegedly retrieved from electronic devices. Rather, the case originates from an airport interception involving a substantial quantity of pseudoephedrine, followed by further recoveries from premises and vehicle linked to co-accused persons during the course of

investigation. The photographs allegedly recovered from electronic devices form only one element of the investigative material and are not the sole basis of the prosecution case. Thus, the factual foundation of the present case is materially different from the one considered in *Sabir Ali @ Sikku*.

16. Learned counsel has further relied upon the judgment of the Hon'ble Supreme Court in *Bharat Chaudhary (Supra)* to contend that printouts of WhatsApp messages retrieved from mobile phones cannot by themselves establish a live link between the accused and other persons involved in the alleged offence. In *Bharat Chaudhary*, the Hon'ble Supreme Court noted that the prosecution primarily relied upon WhatsApp printouts allegedly downloaded from mobile phones seized from other accused persons and that the forensic examination of the devices was still awaited. In that context, the Hon'ble Court observed that such printouts alone could not be treated as sufficient material to establish a live link between the accused and the alleged trafficking activity. The factual matrix in the present case is distinct. Here, the prosecution does not rely solely upon WhatsApp printouts to establish the alleged involvement of the applicant. The investigation reflects a series of recoveries beginning from the airport interception, followed by recoveries from premises and vehicle connected with the co-accused, as well as the recovery of documents and electronic devices allegedly linked with the applicant from premises associated with the trafficking network. The digital material relied upon by the prosecution is therefore part of a broader investigative chain

rather than the sole incriminating circumstance. Consequently, the ratio of Bharat Chaudhary does not advance the case of the applicant at this stage.

17. Learned counsel has also relied upon the decision in Masoom Alam (Supra) to contend that where there is no explicit reference to contraband in electronic conversations and there is no recovery from the accused, bail should ordinarily follow. In Masoom Alam, the Hon'ble High Court found that the applicant had been implicated mainly on the basis of disclosure statements and certain chats or call detail records and that there was no direct or explicit reference to narcotic substances in the alleged conversations. The Hon'ble Court further noted the absence of corroborative material such as recovery or financial trail linking the accused with the alleged contraband. The present case, however, stands on a different factual footing. The allegations here arise from an airport interception involving a large quantity of pseudoephedrine, followed by further recoveries of narcotic substances from co-accused persons during the course of investigation. The prosecution also alleges coordinated activity among multiple accused persons forming part of a larger trafficking network. In these circumstances, the present case cannot be equated with the factual situation considered in Masoom Alam where the prosecution material was found to be extremely limited.

18. Learned counsel has also placed reliance upon Jasbir Singh (Supra) to contend that a statement recorded under Section 67 of

the NDPS Act, particularly when it does not lead to discovery of any new fact, cannot by itself justify continued incarceration of the accused. In the said case, the Hon'ble Court noted that the alleged Section 67 statement had not resulted in discovery of fresh incriminating material and that the prosecution case against the accused was otherwise weak. The Court also observed that mere financial transactions between individuals cannot automatically establish that such transactions were related to narcotics trafficking in the absence of independent corroborative material. The said judgment again turned upon the specific evidentiary circumstances of that case. In the present matter, the prosecution case does not rest solely on the alleged Section 67 statement of the applicant. The investigation reflects a chain of events including initial airport recovery, subsequent recoveries from co-accused persons, recovery of documents and electronic devices allegedly linked with the applicant, and digital connectivity among the accused persons. Therefore, the factual context in which the observations were made in Jasbir Singh is materially different from the circumstances emerging from the record of the present case.

19. Thus, the judgments relied upon by the applicant are distinguishable on facts and do not lay down any universal proposition that bail must be granted in every case where the accused is not found in physical possession of contraband. The applicability of those decisions necessarily depends upon the overall factual matrix of each case.

20. The present case arises out of an interception at an international airport involving a substantial quantity of pseudoephedrine, followed by further recoveries during investigation and allegations of coordinated activity among multiple accused persons.

21. The applicant is also a foreign national, and considering the nature of allegations and the transnational dimension of the case, the possibility of his absconding cannot be lightly ruled out

22. Having regard to the nature of the allegations, the sequence of recoveries during investigation and the material indicating prima facie links between the applicant and other accused persons, this Court is not inclined to grant bail to the applicant at this stage.

23. Accordingly, the bail application filed on behalf of accused Chris Iorliam Gemanam stands dismissed.

24. Needless to state, any observations made herein are only for the purpose of deciding the present bail application and shall not influence the merits of the case during trial.

25. 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.

26. Application is disposed of accordingly.

27. 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**