

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2026] SGHC 38

Criminal Case No 60 of 2024

Between

Public Prosecutor

And

Khalid bin K K Mohamad

FOUNDATIONS OF DECISION

[Criminal Law — Statutory offences — Misuse of Drugs Act]
[Criminal Procedure and Sentencing — Statements — Admissibility]

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Public Prosecutor
v
Khalid bin K K Mohamad

[2026] SGHC 38

General Division of the High Court — Criminal Case No 60 of 2024

Aidan Xu J

12, 14, 15, 22, 26 November, 2, 5 December 2024, 17 January, 2, 8, 9, 13

May, 7 August, 17 October 2025

23 February 2026

Aidan Xu J:

1 The accused was tried and convicted of two charges of having drugs in his possession for the purpose of trafficking, one relating to diamorphine and another to cannabis, both in quantities above the statutory thresholds for capital punishment. He was found to have intended to sell both sets of drugs. As he was not a “courier” within the meaning of the sentencing framework under s 33B of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (“MDA”), he was subject to the mandatory death penalty. I thus pronounced the death sentence against him on each of the two proceeded charges. Other charges which were stood down at the start of the trial were withdrawn by the Prosecution.

Background

2 The accused claimed trial to the following two charges under the MDA:

(a) One charge of possessing for the purpose of trafficking six packets containing not less than 25.95g of diamorphine under s 5(1)(a) read with s 5(2) of the MDA, and punishable under s 33(1) or s 33B of the MDA (“First Charge”).

(b) One charge of possessing for the purpose of trafficking one block containing not less than 624.5g of cannabis under s 5(1)(a) read with s 5(2) of the MDA, and punishable under s 33(1) or s 33B of the MDA (“Second Charge”).

3 The accused was arrested on 19 January 2021 in a unit at Telok Blangah (“Unit”) at around 8.20pm.¹ Upon his arrest, the police commenced a search of the Unit and the shoe rack of the adjacent unit. The police seized, among other things, the following exhibits:²

- (a) one black bundle containing a packet of granular substance from the kitchen floor near the kitchen table (“A1A”);
- (b) three packets of granular substance from the lower shelf of the kitchen counter glass cabinet (“D1A”);
- (c) two black bundles from the bottom shelf of the shoe rack of the adjacent unit, each containing a packet of granular substance (“H1A” and “H2A” respectively); and
- (d) one black bundle containing a block of vegetable matter from the basket on the kitchen counter (“C1A”).

¹ Statement of Agreed Facts (“SOAF”) at para 4.

² SOAF at paras 7–8 and 33.

4 These exhibits were then analysed for the presence of controlled drugs by Mr Lim Kheng Aik (“Mr Lim”) from the Health Sciences Authority. Mr Lim prepared certificates in respect of the seized exhibits under s 16 of the MDA.³ The exhibits were found to contain the following:⁴

- (a) A1A contained not less than 8.45g of diamorphine;
- (b) D1A contained not less than 0.17g of diamorphine;
- (c) H1A contained not less than 8.97g of diamorphine;
- (d) H2A contained not less than 8.36g of diamorphine; and
- (e) C1A contained not less than 624.5g of cannabis.

5 Collectively, these seized exhibits formed the subject matter of the First Charge and Second Charge. The accused did not dispute the circumstances of his arrest nor the chain of custody of the drugs recovered by the police. Instead, the accused challenged the admissibility of the statement recorded from him on 3 February 2021 by Station Inspector Mohamed Rias s/o Rafik (“SI Rias”) (“3 Feb Statement”). I outline the main events leading up to this statement.

6 From 22 to 24 January 2021, the accused underwent a drug withdrawal assessment. He did not complain of any drug withdrawal symptoms on the first two days, but complained of “mild diffuse discomfort of bones and joints” and “multiple episodes of diarrhoea” on the third day. The accused was assessed to be “positive for mild opioid drug withdrawal” and his rate of drug consumption of opioids was assessed to be low.⁵

³ Agreed Bundle (“AB”) at pp 107–109.

⁴ SOAF at para 45.

⁵ AB at pp 234–236.

7 On 24 January 2021, the accused also complained of toothache and was referred to Dr Gerard Low (“Dr Low”). On examination, Dr Low assessed him to be well.⁶ The accused was thereafter referred to and examined by Dr Henry Chua (“Dr Chua”) in the early hours of 25 January 2021. Dr Chua assessed the accused to be well and noted that there were “[n]o obvious dental caries”.⁷ The accused was thus deemed fit for detention and discharged with a prescription of Panadol.⁸

8 A series of statements was recorded from the accused from 26 January to 2 February 2021. In brief, the main contents of the statements are as follows:

(a) In the statement dated 26 January 2021, the accused admitted to possession and ownership of the various exhibits seized from the Unit.⁹

(b) In the statement dated 28 January 2021, the accused admitted to possession and ownership of the various exhibits seized from the Unit. The accused also admitted to possession and ownership of the two black bundles containing diamorphine marked H1A and H2A which had been recovered from the shoe rack of the adjacent unit.¹⁰

(c) In the statement dated 1 February 2021, the accused explained how he had ordered and collected three bundles of diamorphine and one bundle of cannabis prior to his arrest on 19 January 2021. The accused described how he had placed two of the bundles (H1A and H2A) in the

⁶ AB at p 229.

⁷ AB at pp 237 and 241.

⁸ AB at pp 237 and 241; Defence’s Submissions (Ancillary Hearing) dated 4 April 2025 (“DS-AH”) at para 7.

⁹ AB at pp 534–537.

¹⁰ AB at pp 538–539.

shoe rack of the adjacent unit. He brought the remaining bundles into the kitchen of the Unit and opened the bundle of diamorphine (A1A) to test its quality. The bundle of cannabis (C1A) was placed in the basket on the kitchen cabinet.¹¹

(d) In the statement dated 2 February 2021, the accused admitted to knowing that the bundles received on 19 January 2021 contained diamorphine and cannabis. He also admitted to purchasing drugs from “Boss” since September 2020, which he then repackaged and sold.¹²

9 The 3 Feb Statement was the primary piece of evidence relied on by the Prosecution. The accused was shown photographs of the various seized exhibits. In summary, the accused admitted that:

(a) He intended to repack the diamorphine contained in the bundle marked A1A into 57 smaller packets, each weighing around 8g, to be sold to his clients. All of the diamorphine found in this bundle was meant for sale and none of it was meant for his own consumption.¹³

(b) He intended to repack the cannabis contained in the bundle marked C1A into ten smaller packets, each weighing around 100g, to be sold to his clients. All of the cannabis found in this bundle was meant for sale and none of it was meant for his own consumption.¹⁴

¹¹ Prosecution’s Bundle of Statements dated 15 October 2024 (“PBOS”) at pp 1–3.

¹² PBOS at pp 4–6.

¹³ PBOS at p 7.

¹⁴ PBOS at p 8.

(c) The three packets of diamorphine marked D1A were meant for sale and not for his own consumption.¹⁵

(d) He intended to repack the diamorphine contained in the bundles marked H1A and H2A into 114 smaller packets, each weighing around 8g, to be sold to his clients. All of the diamorphine found in the two bundles was meant for sale and none of it was meant for his own consumption.¹⁶

(e) Notably, in respect of the other exhibits which were seized from the Unit, the accused clearly stated that these other drugs were meant for his own consumption and not meant for selling purposes.¹⁷

10 The statements were all recorded by SI Rias and interpreted by Ms Nor Zahirah binte Zainuddin (“Ms Zahirah”) in the Malay language.

11 Over the next few months, the accused consulted dentist Dr Loh Xiang Loong (“Dr Loh”) for tooth-related issues on multiple occasions. On 15 March 2021, Dr Loh recorded that one of the accused’s teeth required extraction. The tooth was extracted a week later on 22 March 2021. He consulted Dr Loh again on 19 April and 2 August 2021, complaining of toothache. On both occasions, Dr Loh observed no caries and advised that the discomfort was likely due to the accused’s poor oral hygiene.¹⁸

¹⁵ PBOS at p 8.

¹⁶ PBOS at p 8.

¹⁷ PBOS at p 7.

¹⁸ SOAF at paras 67–71 read with Annexes A–E.

The Prosecution's case

12 The Prosecution submitted that the accused intended to traffic the drugs. The Prosecution relied on the admissions contained in the 3 Feb Statement. Full weight should be placed on this statement, which was procured voluntarily and admitted into evidence after an ancillary hearing.¹⁹ On the consumption defence raised by the accused, the Prosecution submitted that the rest of his investigative statements contradicted his position at trial, and these inconsistencies suggested that his defence was nothing more than an afterthought.²⁰ In the alternative, the presumption of trafficking under s 17 of the MDA applied, and the accused was unable to rebut this on a balance of probabilities.²¹ The accused did not raise any credible evidence to support his consumption defence. In particular, given the inconsistencies in the accused's evidence on his claimed rate of consumption and supply of diamorphine and cannabis,²² along with his lack of financial means,²³ the consumption defence ought to be rejected.

13 For completeness, I note that the Prosecution ran its case on the trafficking element on two alternative bases. I was satisfied that this did not give rise to any inconsistency in the Prosecution's overall case and that the Prosecution was permitted to run its case as such (see, eg, *Roshdi bin Abdullah Altway v Public Prosecutor* [2025] 1 SLR 605 at [60]). I note that the Defence did not take any issue with the Prosecution's approach. The arguments raised by the accused were relevant to the Prosecution's case as a whole, and no prejudice was caused to him.

¹⁹ Prosecution's Closing Submissions dated 17 July 2025 ("PCS") at paras 28–30.

²⁰ PCS at paras 32–33.

²¹ PCS at para 34.

²² PCS at paras 35–49.

²³ PCS at para 56.

The Defence's case

14 The accused's defence was primarily founded on personal consumption. He submitted that a portion of the drugs was intended for his own consumption, such that the quantities for trafficking were reduced below the capital thresholds for both charges.²⁴ He testified that he was increasing his rate of consumption of both drugs in the months leading up to his arrest.²⁵ He also testified that there was no need for him to sell such a large quantity of drugs, as he had the financial means to support himself.²⁶

15 The accused also raised an issue in relation to Mr Lim's analysis of the drugs. At trial, Mr Lim conceded that he did not individually test the blocks of drugs in the bundles. Instead, the blocks were pulverised and homogenised before Mr Lim analysed its purity. It was argued that if some of the blocks were intended for the accused's consumption, this lack of individual testing would raise a reasonable doubt as to whether the quantities of drugs intended for trafficking exceeded the capital thresholds.²⁷

16 The accused also challenged the admissibility of the 3 Feb Statement on the grounds that it was obtained involuntarily or in circumstances amounting to oppression.²⁸ This was rejected after an ancillary hearing, and the statement was admitted into evidence. At the close of trial, the Defence argued that the 3 Feb Statement should be given no weight.²⁹ The admissions in the 3 Feb Statement

²⁴ Defence's Closing Submissions dated 18 July 2025 ("DCS") at paras 2–3.

²⁵ DCS at paras 4, 13, 36 and 74.

²⁶ DCS at para 78.

²⁷ DCS at paras 10–12.

²⁸ DS-AH at paras 51–54.

²⁹ DCS at para 108.

were inaccurate, and this was because the accused was suffering from toothache and withdrawal symptoms at the time the statement was recorded.³⁰

Issues to be determined

17 For the two charges against the accused to be made out, three elements had to be established (*Masoud Rahimi bin Mehrzad v Public Prosecutor* [2017] 1 SLR 257 at [28]):

- (a) the accused was in possession of the drugs;
- (b) the accused had knowledge of the drugs; and
- (c) the accused possessed the drugs for the purpose of trafficking.

18 It was not disputed that the accused had the drugs in his possession and that he knew the nature of the drugs (*ie*, diamorphine for the First Charge and cannabis for the Second Charge).³¹ Only element (c) was disputed.

19 The accused raised a number of issues in his defence, namely:

- (a) that the 3 Feb Statement was inadmissible or should be given no weight as it was given involuntarily;
- (b) that a portion of the drugs was intended for consumption, which reduced the quantities intended for trafficking below the capital thresholds; and
- (c) that, as a portion of the drugs was intended for consumption, the lack of individual testing of the blocks raised a reasonable doubt

³⁰ DCS at para 109.

³¹ Certified Transcript dated 9 May 2025 at p 22, lines 13–27 and p 23, lines 18–29.

as to whether the quantities intended for trafficking exceeded the capital thresholds.

The decision

20 In summary, I was satisfied that the two proceeded charges under s 5(1)(a) read with s 5(2) of the MDA, in respect of diamorphine and cannabis respectively, had been proven beyond any reasonable doubt, primarily on the basis of the 3 Feb Statement. Even aside from this statement, the presumptions of trafficking under ss 17(c) and (d) of the MDA applied, which were unrebutted on the balance of probabilities.

21 Possession and knowledge of the nature of the drugs were not disputed. The only question was whether the possession of diamorphine and cannabis was for the purpose of trafficking.

22 The primary evidence pointing to the guilt of the accused was the 3 Feb Statement, where the accused admitted that all of the drugs in the bundles were intended for sale. After an ancillary hearing, I was satisfied that the statement was indeed admissible. It was obtained voluntarily and there was no inducement or oppression. The accused's complaints of pain or discomfort from a toothache or backache were not supported by the objective evidence and were accordingly rejected. Full weight was placed on the admissions in the 3 Feb Statement, which were sufficient to establish the element of trafficking beyond reasonable doubt.

23 However, even if the 3 Feb Statement were rejected, and the Prosecution were required to rely on the presumptions under s 17 of the MDA, the Defence had not discharged its burden to show that the quantities intended for trafficking fell below the capital thresholds. The burden was on the accused to show that a

portion of the drugs in the relevant exhibits was intended for consumption, and to identify that portion specifically. The accused failed to adduce any credible evidence to that effect.

24 The accused was accordingly convicted on both charges. Following conviction, a mandatory sentence of death had to be imposed.

Actual proof of trafficking

The 3 Feb Statement

25 The Prosecution primarily relied on the 3 Feb Statement to prove that the accused intended to traffic the drugs in the relevant exhibits. I reproduce the key extracts as follows:³²

... I intend to repack all the “Heroin” from this black bundle [referring to A1A] into 57 smaller packets, each weight around 8 grams of “Heroin”. I would weigh them using my digital weighing scales which were found during my arrest. I intend to sell each smaller packet of “Heroin” for S\$200 to my clients. All the “Heroin” found in this black bundle is meant for selling to my clients and none of it is for my own smoking. ...

...

... I intend to repack all the “Cannabis” from this black bundle [referring to C1A] into 10 smaller packets, each weight around 100 grams of “Cannabis”. I would weigh them using my digital weighing scales which were found during my arrest. I intend to sell each smaller packet of “Cannabis” for S\$800 to my clients. All the “Cannabis” found in this black bundle is meant for selling to my clients and none of it is for my own smoking. ...

... Exhibit marked “D1A” are 3 packets of “Heroin”. Each packet of “Heroin” is meant for sale at S\$200 to my clients. They are not meant for my own smoking. ...

... I intend to repack all the “Heroin” from [the two bundles marked H1A and H2A] into 114 smaller packets, each weight around 8 grams of “Heroin”. I would weigh them using my digital weighing scales which were found during my arrest. I

³² PBOS at pp 7–8.

intend to sell each smaller packet of “Heroin” for S\$200 to my clients. All the “Heroin” found in these 2 black bundles are meant for selling to my clients and none of it is for my own smoking. ...

26 The 3 Feb Statement thus implicated the accused in the sale of the drugs.

(a) In relation to diamorphine, the accused admitted that he intended to repack and sell the drugs in the bundles marked A1A, D1A, H1A and H2A to his clients. The accused specified the number of packets and the weight of each smaller packet for each bundle. Importantly, he admitted that all of the drugs in these specific bundles were intended for sale, and none of it was for his own consumption.

(b) In relation to cannabis, the accused similarly admitted that he intended to repack and sell the drugs in the bundle marked C1A to his clients. Again, he specified the number of packets and the weight of each smaller packet. He also admitted that all of the drugs in this bundle were intended for sale, and none of it was for his own consumption.

(c) Importantly, when shown photographs of the other exhibits that had been seized from the Unit (namely, the exhibits marked B2A, B3 and B4 containing diamorphine, and the exhibit marked B5 containing cannabis), the accused admitted that those drugs were set aside and meant for his own consumption.³³

27 From the above, it would follow that, in relation to the relevant exhibits stated in the First Charge and Second Charge, the accused had each type of drug in his possession for the purpose of trafficking.

³³ PBOS at p 7.

Voluntariness of the statement

28 The accused challenged the admissibility of the 3 Feb Statement on the basis that it was not given voluntarily. The accused alleged that he was suffering from a toothache and backache at the time the statement was recorded.³⁴ Due to the pain that he was suffering from, his withdrawal symptoms, and fatigue, the statement was given in circumstances amounting to oppression which altogether sapped his free will.³⁵ To support this, the accused pointed to his complaints of toothache from 24 to 25 January 2021, and the tooth extraction in March 2021.³⁶ The accused was prescribed painkillers, but was not given any during the recording of the 3 Feb Statement.³⁷ Further, the accused was assessed to be suffering from drug withdrawal symptoms on 24 January 2021, which was the third day of observation.³⁸ On the day the 3 Feb Statement was recorded, the accused only had limited sleep of around two to four hours before he was examined by Dr Lin Hanjie at 6.35am.³⁹ After the medical examination, the accused was served with lunch and tea, which aggravated his toothache.⁴⁰ The accused's statement was then recorded for over four hours.⁴¹ He testified that the duration of the recording and his feeling of physical pain and discomfort led him to want to "give up".⁴² This resulted in him admitting to various untruths and agreeing with whatever was suggested to him to get things over with, so

³⁴ DS-AH at para 51.

³⁵ DS-AH at para 52.

³⁶ DS-AH at para 55.

³⁷ DS-AH at para 55 and 58.

³⁸ AB at p 236.

³⁹ DS-AH at para 21.

⁴⁰ DS-AH at para 25.

⁴¹ DS-AH at para 27.

⁴² Certified Transcript dated 5 December 2024 at p 30, line 26 to p 31, line 11.

that he could get some rest.⁴³ The accused also alleged that he was promised that the recording sessions would be short, which induced him to give the 3 Feb Statement against his free will.⁴⁴ The Defence also pointed to inconsistencies in the statements – the accused had previously stated that some of the drugs were for consumption, and yet he stated that all of the drugs were for sale in the 3 Feb Statement.⁴⁵

29 The Prosecution argued that the allegations of toothache and backache were not supported by the contemporaneous objective evidence. There were no records of any such complaints either before or during the recording of the 3 Feb Statement. Both SI Rias and Ms Zahirah testified that the accused looked “fine” prior to and during the statement recording, and that he did not complain of any discomfort at any point in time.⁴⁶ While the accused’s complaint of toothache was recorded by the doctors, no backaches were ever recorded. The duration of the recording of the 3 Feb Statement was also not out of the ordinary, compared to the other statements which were recorded and to other cases where oppression was alleged.⁴⁷ The accused would have known how long the recording sessions would typically last. The complaints were thus mere afterthoughts and untrue.

30 I turn to the applicable law. Section 258(3) of the Criminal Procedure Code 2010 (2020 Rev Ed) (“CPC”) governs the admissibility of an accused person’s statements. This provides:

⁴³ DS-AH at para 52.

⁴⁴ DS-AH at para 54.

⁴⁵ DS-AH at para 94.

⁴⁶ Certified Transcript dated 14 November 2024 at p 6, line 29 to p 7, line 3 and p 10, lines 9–14; Certified Transcript dated 15 November 2024 at p 4, lines 12–22 and p 5, lines 5–11.

⁴⁷ Prosecution’s Submissions (Ancillary Hearing) dated 4 April 2025 (“PS-AH”) at paras 21 and 24.

The court must refuse to admit the statement of an accused or allow it to be used in the manner referred to in subsection (1) if the making of the statement appears to the court to have been caused by any inducement, threat or promise having reference to the charge against the accused, proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused grounds which would appear to the accused reasonable for supposing that by making the statement the accused would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against the accused.

31 The Prosecution bears the burden of proving beyond a reasonable doubt that the statement was made voluntarily: *Tey Tsun Hang v Public Prosecutor* [2014] 2 SLR 1189 (“*Tey Tsun Hang*”) at [83]. The test of voluntariness involves both an objective and subjective element. This was explained in *Gulam bin Notan Mohd Shariff Jamalddin v Public Prosecutor* [1999] 1 SLR(R) 498 at [53] as follows:

... The test of voluntariness is applied in a manner which is partly objective and partly subjective. The objective limb is satisfied if there is a threat, inducement or promise, and the subjective limb when the threat, inducement or promise operates on the mind of the particular accused through hope of escape or fear of punishment connected with the charge ...

32 Even if no threat, inducement or promise was made, a statement may still be found to have been made involuntarily if it was made in circumstances of oppression. This is provided for under Explanation 1 of s 258(3) of the CPC, which reads:

Explanation 1 — If a statement is obtained from an accused by a person in authority who had acted in such a manner that his or her acts tend to sap and have in fact sapped the free will of the maker of the statement, and the court is of the opinion that such acts gave the accused grounds which would appear to the accused reasonable for supposing that by making the statement, the accused would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against the accused, such acts will amount to a threat, an inducement or a promise (as the case may be), which will render the statement inadmissible.

33 As explained in *Tey Tsun Hang* at [91], oppression may arise from the “nature, duration or other attendant circumstances of the questioning”. No overt act from a person in authority is required for oppression to be made out, despite the reference in Explanation 1 to the act of a person in authority. In this regard, some discomfort is to be expected during the statement recording. The issue is whether the conditions of questioning and the level of discomfort were such as to have “sapped the free will” of the accused: *Public Prosecutor v Yue Roger Jr* [2019] 3 SLR 749 (“*Roger Yue*”) at [56] and [59].

34 I ruled in the course of the trial, after the ancillary hearing, that the 3 Feb Statement was in fact given voluntarily. I did not accept the accused’s evidence. The complaints were made belatedly, as the allegations were not recorded at the time. There was no medical or other evidence to support the accused’s allegation that he was suffering from toothache or backache at the time of the recording of the statement. There was nothing either that would have shown that the accused was discouraged from complaining, or that if complaints were in fact made, they would be ignored or suppressed. I saw nothing to doubt the evidence of SI Rias and Ms Zahirah that there was nothing untoward observed during the recording. I would note that a four-hour recording session was not short, but I did not think that the four-hour session was oppressive in the circumstances. As emphasised in *Roger Yue*, some discomfort was to be expected. The conditions the accused was subjected to did not, in my view, amount to anything out of the ordinary.

35 Accordingly, no reasonable doubt was raised as to the voluntariness of the 3 Feb Statement. The statement was thus admitted into evidence.

Weight to be given to the statement

36 At the end of the trial, I remained satisfied that the 3 Feb Statement could be relied upon.

37 The Defence challenged the weight to be given to the statement, largely for similar reasons as in the ancillary hearing. They argued that it was unsafe to place any weight on the admissions in the 3 Feb Statement because:

(a) The accused testified that the admissions in the 3 Feb Statement were inaccurate. His state of mind was affected by his fatigue, toothache, and withdrawal symptoms, which led him to give inaccurate statements in order to get it over and done with as quickly as possible.⁴⁸

(b) The admission in the 3 Feb Statement that all of the drugs in the relevant bundles were for sale did not cohere with the other statements given by the accused, where he stated that he would keep a fraction of each order for his own consumption.⁴⁹

38 The Prosecution submitted that full weight should be placed on the 3 Feb Statement:⁵⁰

(a) There was no evidence to suggest that the accused suffered from any medical condition at the time the statement was recorded. No complaints were made at any point in time. The medical examination conducted just before the statement was recorded on 3 February 2021 did not reveal any issues.

(b) There was no evidence of any inaccuracies in the statement recorded. The statement was read back to the accused, and he confirmed that the contents were accurate. The accused appended his signature to

⁴⁸ DCS at para 109.

⁴⁹ DCS at paras 125–126.

⁵⁰ PCS at para 30.

the statement. The evidence of SI Rias and Ms Zahirah was that there was nothing untoward in the statement recording process.

39 For the same reasons that I found the 3 Feb Statement to have been made voluntarily, I was satisfied that full weight could be placed on the statement. I rejected the allegations of the accused that his toothache, backache, withdrawal symptoms, and fatigue, caused him to make inaccurate admissions. There was no objective evidence, medical or otherwise, to support his assertion. If the pain and discomfort were as serious as he alleged, one would have expected him to have complained. I accepted the evidence of SI Rias and Ms Zahirah that no such complaints were made at any point in time. This was corroborated by the medical examination that was conducted shortly before the statement recording. The accused was fit to have his statement recorded.

40 Further, I did not think that the earlier statements of the accused, namely, the statement recorded on 2 February 2021, raised any doubt as to the accuracy of the 3 Feb Statement. The Defence argued that the accused's pattern of setting aside a portion of the drugs ordered for his own consumption was inconsistent with his admission in the 3 Feb Statement that all the drugs in the bundles were for sale. I rejected this argument. As noted, the accused explained in the 3 Feb Statement that the drugs in the other exhibits seized from the Unit had already been set aside for his own consumption. This was separate from the bundles that formed the subject matter of the First Charge and Second Charge. Thus, there was no inconsistency between his earlier statements and the 3 Feb Statement.

41 In the circumstances, I was satisfied that there was nothing to indicate that the accuracy of the admissions in the 3 Feb Statement was affected, and that full weight could be placed on it.

42 The 3 Feb Statement pointed to the guilt of the accused on the charges against him. All of the drugs contained in the relevant bundles were intended to be repacked and sold. The drugs that were intended for his own consumption had been set aside and were contained in the other exhibits that were seized from the Unit, namely, the exhibits marked B2A, B3 and B4 for diamorphine and the exhibit marked B5 for cannabis. The quantities of diamorphine and cannabis found in the bundles that formed the subject matter of the charges were above the capital thresholds.

43 Accordingly, I was satisfied that the Prosecution had proven beyond a reasonable doubt that the accused possessed the drugs for the purpose of trafficking. This was sufficient for me to convict the accused of the First Charge and Second Charge. However, for completeness, I deal with the Prosecution's alternative case relying on the presumptions of trafficking.

Presumption of trafficking

44 In the alternative, the Prosecution relied on the presumptions of trafficking under ss 17(c) and (d) of the MDA in respect of diamorphine and cannabis respectively. As noted, it was not disputed that the accused possessed the quantities of diamorphine and cannabis in the two charges, and that he knew the nature of the drugs. The quantities exceeded the relevant thresholds in s 17 of the MDA. Thus, the accused was presumed to have possessed the drugs for the purpose of trafficking.

45 It is settled law that, to rebut the presumption of trafficking, the accused bears the legal burden of proving on a balance of probabilities that he did not possess the drugs for the purpose of trafficking: *A Steven s/o Paul Raj v Public Prosecutor* [2022] 2 SLR 538 ("*A Steven*") at [22].

Defence of consumption

46 The primary defence raised by the accused was that the evidence showed that he consumed the drugs to such an extent that the quantities meant for sale fell below the capital thresholds.

47 In *A Steven*, the Court of Appeal set out the applicable framework for analysing the defence of consumption. Where the drugs were not re-packed or apportioned in any particular manner to differentiate the amount intended to be sold from that intended to be consumed, the court must look at the totality of the circumstances to determine whether the presumption of trafficking has been rebutted. Relevant factors include (at [24]):

- (a) credible evidence of the accused's rate of drug consumption and how long the supplied drugs were meant to last;
- (b) the frequency of supply of the drugs;
- (c) the financial means of the accused; and
- (d) any admission by the accused that the whole quantity of drugs was for sale.

In particular, it was emphasised that having credible and consistent evidence of the accused's claimed rate of consumption would be crucial to establishing this defence.

48 Although *A Steven* concerned whether the presumption of trafficking was rebutted, the same factors would, to my mind, apply to a case founded on actual proof of an intention to traffic, and whether the defence of consumption raised any reasonable doubt. I could not see any reason against this. The factors

in *A Steven* were therefore relevant to analysing the defence of consumption in relation to both aspects of the Prosecution's case.

49 The quantities available for sale would, of course, be reduced by the quantities that the accused consumed, which would be evidenced by his rate of consumption. The more he consumed, the less there would be for sale. What amount there was for sale, and what could be inferred from the accused's rate of consumption, would also be affected by the supply of drugs to him. Hence, evidence of what he was getting, and when, would be relevant. Finally, whether the evidence about consumption could be believed would be affected by the accused's financial position as well. If he was not able to afford consuming drugs at his claimed rate of consumption, or was in financial difficulties, his claimed rate of consumption would be less credible.

50 On the evidence here, I was satisfied that the accused's contention that he was consuming the drugs to such a degree that the quantities meant to be sold fell below the capital thresholds did not raise any reasonable doubt in the Prosecution's case. This also meant that the accused was unable to rebut the presumption of trafficking on a balance of probabilities.

The claimed rate of consumption

51 According to the accused, his estimated rate of consumption at the time of his arrest was 14.64g of diamorphine a day and 14.29g of cannabis a day.⁵¹ To support this claimed rate of consumption, the Defence prepared two tables, setting out the accused's rate of consumption of the two drugs and the supply of drugs he received in the months leading up to his arrest.

⁵¹ DCS at para 8.

52 Table 1 below sets out his claimed rate of consumption of diamorphine:

Date of delivery	Quantity supplied	Quantity consumed	Daily rate of consumption
30 September 2020	One packet from "Jay Boss".	56g	1.81g
30 October 2020	One packet from "Jay Boss".	56g	5.09g
9 November 2020	One packet from "Jay Boss".	240g	10g
2 December 2020	Two packets from "Jay Boss".	408g	10.74g
8 January 2021	80g from "Ahmad Dragon".	68g	11.33g
14 January 2021	80g from "Ahmad Dragon".	68g	13.6g
18 January 2021	80g from "Ahmad Dragon".	31.2g	15.6g
19 January 2021	Three packets from "Jay Boss".	688g	14.64g

53 Table 2 below sets out his claimed rate of consumption of cannabis:

Date of delivery	Quantity supplied	Quantity consumed	Daily rate of consumption
9 November 2020	One book from "Jay Boss".	200g	7.69g
4 December 2020	One book from "Jay Boss".	100g	8.33g

15 December 2020	One book from “NTUC”.	200g	12.5g
30 December 2020	One book from “NTUC”.	160g	13.33g
10 January 2021	One book from “NTUC”.	140g	14g
19 January 2021	One book from “Jay Boss”.	200g	14.29g

54 To create these tables, the Defence relied on the accused’s testimony at trial and his WhatsApp messages. The Defence argued that the increasing rate of consumption was reflective of increased tolerance. There were disruptions to the supply, which required the accused to plan ahead and keep a larger stock in hand for his own consumption. The accused was consistent in keeping track of the drugs. His position at trial that half of the drugs in the bundles were intended for consumption was supported by his other contemporaneous statements and the psychiatric report prepared by Dr Koh.⁵²

55 The Prosecution pointed to various inconsistencies between the position taken by the accused at trial and what he had previously recounted to other witnesses. His evidence as to his rate of consumption was thus not credible. In addition, there were other inconsistencies or inaccuracies in the accused’s evidence as to his supply of drugs and financial means. Altogether, the accused was unable to credibly show that he intended to keep a substantial portion of the drugs for consumption, and the Prosecution’s case that all of the drugs were for sale was not undermined.

⁵² DCS at paras 46–55.

56 After considering the parties' arguments, I found that the evidence did not support the accused's claimed rates of consumption for either diamorphine or cannabis. This meant that the accused was unable to rebut the presumption of trafficking on a balance of probabilities. The evidence likewise did not raise any reasonable doubt as to the Prosecution's case. Based on the inconsistencies in the evidence on the accused's consumption rates, his supply of drugs, and his financial means, I could not accept the evidence given by the accused at trial.

57 There were inconsistencies between what was claimed by the Defence at trial, and what the accused had previously said to other witnesses. These were summarised by the Prosecution in Table 3 below, based on the statements given by the accused and his interviews with various medical experts:⁵³

Witness	Date of recording	Rate of consumption of diamorphine	Rate of consumption of cannabis
Dr Lee ⁵⁴	22 January 2021	5g daily	Denied
SI Rias ⁵⁵	2 February 2021	2g to 6.4g daily	3g daily
Dr Koh ⁵⁶	9 February 2021	4g to 8g daily	2g to 5g daily
SI Rias ⁵⁷	17 September 2021	20g daily	15g to 20g daily

⁵³ PCS at para 36.

⁵⁴ AB at p 235.

⁵⁵ PBOS at pp 5–6.

⁵⁶ AB at p 216.

⁵⁷ AB at p 544.

58 As the figures show, the accused was relatively consistent about his rate of consumption in his initial statements to Dr Lee, SI Rias and Dr Koh. It was only in September 2021 that the accused changed his position drastically in his statement to SI Rias and asserted that his rate of consumption of both drugs was much higher than what he had initially stated.

59 The accused attempted to explain the discrepancies by claiming that: (a) he had not slept enough and could not think properly when he spoke to Dr Lee;⁵⁸ (b) SI Rias was asking him about his last consumption on 19 January 2021, and not his daily rate of consumption;⁵⁹ and (c) he gave an inaccurate account of his consumption rate to Dr Koh as he was experiencing withdrawal symptoms then and was not thinking properly.⁶⁰ To my mind, none of these explanations were satisfactory. If the accused's rate of consumption was as high as he had claimed at trial, I could not accept that this would not have been at the forefront of his mind when he spoke to the various parties after his arrest, and one would have expected him to have stated his true rate of consumption then. Instead, he gave a consistent account of his consumption rate to the different witnesses initially, and only changed his tune months later. Further, as I found above in relation to the admissibility of the 3 Feb Statement, the alleged withdrawal symptoms, pain and fatigue that the accused was experiencing at the time were not as serious as he alleged. They did not affect the admissibility of the 3 Feb Statement, nor did they affect the weight to be placed on it. Given that these other statements were recorded at around the same time as the 3 Feb Statement, the same findings would apply, and I saw no reason to think otherwise. As a result, I rejected the

⁵⁸ Certified Transcript dated 13 May 2025 at p 25, lines 19–24 and p 26, lines 1–2.

⁵⁹ Certified Transcript dated 13 May 2025 at p 26, lines 7–17.

⁶⁰ Certified Transcript dated 13 May 2025 at p 27, lines 4–18.

accused's contentions that his fatigue and/or withdrawal symptoms led him to give inaccurate statements to Dr Lee, SI Rias and Dr Koh.

60 The accused also sought to justify his change in position by explaining that it was only after reviewing his WhatsApp messages that he realised his rate of consumption was much higher than what he had previously indicated to the various parties.⁶¹ I found that this explanation was entirely too convenient, and actually smacked of fabrication. At best, what the accused was saying was that the WhatsApp messages helped to jog his memory. In the first place, none of the messages actually referred to the accused's daily rates of consumption.⁶² The accused did not dispute this. It was thus hard to see how reviewing the messages could have led the accused to the realisation that he had understated his rates of consumption by such a significant amount previously. Further, if the accused was indeed consuming the drugs at the rate he claimed, I could not see any reason why he would have given a lower number initially. If anything, the more probable explanation for the discrepancies was that the accused had in fact been consuming the drugs at a lower rate, and only claimed a higher rate to evade the capital charge.

61 Accordingly, I was satisfied that the claimed rate of consumption was not supported by credible and consistent evidence.

The supply of drugs to the accused

62 I also did not accept the evidence of the accused in respect of his supply of drugs, which he argued supported his claimed rate of consumption. I found

⁶¹ DCS at para 59; Certified Transcript dated 9 May 2025 at p 40, lines 26–32 and p 41, lines 19–27.

⁶² Certified Transcript dated 9 May 2025 at p 40, lines 29–32 and p 41, lines 1–4.

that his assertions ran counter to and did not cohere with the various WhatsApp messages. There were several inconsistencies and/or inaccuracies which were not adequately explained. The account provided by the accused as to when the supplies were received and the quantities received thus had to be rejected.

63 As set out in Table 1 and Table 2 above, the Defence’s position on the supply of drugs was that the accused had received deliveries of diamorphine and cannabis on numerous occasions from September 2020 onwards up to the date of his arrest on 19 January 2021. The accused alleged that he kept an increasing quantity of the drugs from the deliveries. This was to support his increasing rate of consumption, which he attributed to his increasing tolerance level.⁶³ In brief, the supplies received were as follows:

(a) For diamorphine, the accused claimed that he received a total of eight deliveries from 30 September 2020 to 19 January 2021 from “Jay Boss” and “Ahmad Dragon”.

(b) As for cannabis, the accused claimed that he received a total of six deliveries from 9 November 2020 to 19 January 2021 from “Jay Boss” and “NTUC”.

64 The accused relied on WhatsApp messages to support the delivery dates stated in the tables above. To support his assertion that he intended to keep 688g of diamorphine and 200g of cannabis from the delivery on 19 January 2021, the accused explained that supply delays were expected moving forward due to the heightened immigration checks during the COVID-19 pandemic.⁶⁴ The accused thus decided to keep a larger quantity of drugs for consumption to ensure that

⁶³ Certified Transcript dated 13 May 2025 at p 29, lines 1–5.

⁶⁴ Certified Transcript dated 8 May 2025 at p 30, lines 6–16.

he did not run out before the next delivery from “Jay Boss”, which he expected only in the first week of March 2021.⁶⁵ Regarding the cannabis specifically, the accused expected the supply of 200g to only last him for 14 days.⁶⁶ After he ran out, the accused intended to order more cannabis from “NTUC”, as “Jay Boss” had told the accused that it would be difficult for him to deliver the drugs.⁶⁷

65 The Prosecution submitted that the accused’s account of the supply of drugs ought to be rejected. In relation to diamorphine, his assertions were false and contradicted by his WhatsApp messages. Some of the deliveries were non-existent and were fabricated to support his claimed rate of consumption.⁶⁸ In relation to cannabis, his assertions were inconsistent and illogical. For instance, the accused could not explain how he intended to obtain more cannabis from “NTUC” after his supply from “Jay Boss” ran out, given that the supply delays and heightened immigration checks would have affected both suppliers to the same extent.⁶⁹

66 I accepted the Prosecution’s submission that the accused’s account of the supply of drugs was plagued by various inaccuracies and/or inconsistencies. This undermined the credibility of the accused’s evidence and his defence as a whole.

67 As the Prosecution rightly pointed out, some of the deliveries were not supported by the objective evidence and did not appear to have taken place at all. For example, the accused claimed to have received supplies of diamorphine

⁶⁵ Certified Transcript dated 8 May 2025 at p 31, lines 13–30.

⁶⁶ Certified Transcript dated 8 May 2025 at p 49, lines 30–32.

⁶⁷ Certified Transcript dated 8 May 2025 at p 50, lines 1–9.

⁶⁸ PCS at paras 40–45.

⁶⁹ PCS at paras 46–49.

on 30 October 2020 and 9 November 2020. However, his WhatsApp messages indicated that there was only a delivery on 7 November 2020.⁷⁰ If there had indeed been a delivery on the other two dates, one would have expected there to be some record of communications between the accused and “Jay Boss”, as was the case on 7 November 2020. Further, the accused’s evidence was that one of his suppliers of diamorphine, apart from “Jay Boss”, was “Ahmad Dragon”. Yet, during cross-examination, the accused conceded that “Ahmad Dragon” was actually his customer, and not his runner or supplier.⁷¹ This suggested that the three purported deliveries from “Ahmad Dragon” on 8 January, 14 January and 18 January 2021 were false entries. In response to this, the Defence contended that the fact that “Ahmad Dragon” previously ordered drugs from the accused did not contradict the accused’s assertion that those three deliveries took place.⁷² This did not help the accused’s case. The onus was on the accused to establish that the deliveries in fact took place. The doubts raised by the Prosecution as to the accused’s evidence were not displaced. The documentary evidence likewise did not show that these three deliveries took place.

68 On the whole, these inaccuracies led to the inference that the account of the supply of drugs provided by the accused was false in material respects, and that some of the entries were likely fabricated to augment his supply of drugs and support his claimed rate of consumption.

69 Aside from these inaccuracies in the accused’s evidence, I accepted the Prosecution’s submission that the accused’s explanation of how he intended to obtain more supplies of cannabis from “NTUC” after his current supply ran out

⁷⁰ PCS at para 41; Exhibit CD2 at pp 823–825.

⁷¹ Certified Transcript dated 9 May 2025 at p 34, lines 4–10.

⁷² DCS at para 30.

was illogical and inconsistent. The accused himself had explained that further supplies from “Jay Boss” were likely to be delayed as immigration checks were more stringent due to the COVID-19 pandemic and the Lunar New Year. This, in turn, led him to keep a larger quantity of drugs for his own consumption. The accused testified that the current supply of cannabis would only last him 14 days. Thus, he planned on obtaining further supplies of cannabis from “NTUC”. However, if deliveries from “Jay Boss” were likely to be delayed, it was likely that the same would apply to deliveries from “NTUC”. Yet, the accused appeared to suggest that “NTUC” would not be affected by the delays. No explanation was given as to why “NTUC” would not be affected by the same constraints as “Jay Boss”, other than the fact that “NTUC” was “dependable” and “reliable”.⁷³ This was not only illogical, but also contradicted by the evidence. It was clear from the WhatsApp messages that “NTUC” had also complained about the COVID-19 lockdown to the accused.⁷⁴ In my view, all of this pointed towards the inference that the accused was not truly looking to order further supplies of cannabis from “NTUC” in the near future. Instead, this was all a fabrication by the accused to support his claimed rate of consumption of cannabis.

70 Accordingly, I was satisfied that the accused’s account of his supply of drugs ought to be rejected. These inaccuracies and/or inconsistencies meant that the accused’s account of his supply of drugs could not be relied upon to support his claimed rate of consumption and his defence of consumption as a whole.

⁷³ Certified Transcript dated 8 May 2025 at p 50, lines 4–9.

⁷⁴ Exhibit CD2 at p 376.

The financial position of the accused

71 Further, I accepted the Prosecution’s submission that the accused did not have the financial means to support his claimed rate of consumption. While I appreciated counsel’s effort in putting together a detailed analysis of the flow of funds in the accused’s hands throughout the relevant period, there were substantial shortcomings in his evidence. This meant that I could not find that any reasonable doubt was raised. The accused was clearly, to my mind, short of funds and in need of financial support.

72 The Defence relied on the figures in Table 4 below, which outlined the amount of money that the accused had and tracked his income and expenditure from September 2020 to January 2021.

Date of order of drugs	Money received	Expenditure	Balance
30 September 2020	\$2,800 from his late mother, which was used to buy drugs. \$10,000 from sale of drugs.	\$1,000 on living expenses.	\$9,000
30 October 2020	\$3,000 from sale of diamorphine.	\$1,000 on living expenses and \$2,800 on one packet of diamorphine.	\$8,200
9 November 2020	\$13,400 from sale of diamorphine and cannabis.	\$1,000 on living expenses and \$7,600 on one packet of diamorphine and one book of cannabis.	\$13,000

2 and 4 December 2020	\$13,200 from sale of diamorphine and cannabis.	\$11,150 on two packets of diamorphine and one book of cannabis.	\$15,050
15 December 2020	\$30,200 from sale of various drugs.	\$1,000 on living expenses and \$10,950 on various drugs.	\$33,300
30 December 2020	\$6,400 from sale of cannabis and \$6,000 from pawning two bangles.	\$4,000 on one book of cannabis. Gave \$8,850 to his ex-wife and \$15,000 to "Zack".	\$17,850
8 January 2021	\$300 from sale of diamorphine.	\$1,800 on diamorphine.	\$16,350
10 January 2021	\$15,800 from sale of various drugs.	\$12,200 on various drugs. Gave \$5,000 to "Zack".	\$14,950
14 January 2021	\$300 from sale of diamorphine.	\$1,800 on diamorphine.	\$13,450
18 January 2021	\$3,000 from sale of contraband cigarettes and \$1,000 from his sister.	\$1,800 on diamorphine.	\$15,650
19 January 2021	Projected receipt of \$23,400 from sale of cannabis and diamorphine.	\$1,000 on living expenses and \$12,600 on diamorphine and cannabis.	\$2,050

73 Based on these alleged figures, it was argued that the purchase and sale of the drugs could support the accused's daily expenses and his claimed rate of

consumption.⁷⁵ At the time of his arrest in January 2021, the accused had about \$2,050 left in cash. However, he expected to receive a total of around \$23,400 from the sale of diamorphine and cannabis, which he alleged would support him until March 2021, when he expected to receive more drugs.⁷⁶

74 The Prosecution argued that the accused’s financial position was instead precarious and that he did not have the financial means to set aside such a large quantity of diamorphine and cannabis for his own consumption.⁷⁷ The objective evidence was more consistent with the position that the accused needed to sell all of the drugs in the relevant bundles, as opposed to stockpiling a substantial portion for his own consumption.⁷⁸

75 I found that the accused was in fact short of funds and needed financial support. His lack of financial means thus supported an inference that the drugs in the relevant bundles were not meant for his own consumption, but rather, for sale.

76 First, the figures and dates tendered by the accused above did not cohere with the accused’s own evidence at trial and with the objective evidence. This undermined the credibility of the accused’s evidence as to his financial means. For instance:

⁷⁵ DCS at paras 81–105.

⁷⁶ DCS at paras 105–106.

⁷⁷ PCS at para 50.

⁷⁸ PCS at para 56.

(a) The accused's WhatsApp messages on 11 October 2020 showed that he had recently suffered a loss of \$6,900.⁷⁹ This was not accounted for in the figures above.

(b) The accused claimed to have received \$6,000 in December 2020 from the pawning of two bangles. However, at trial, he testified that this sum was only received on 8 January 2021.⁸⁰ This was confirmed by his sister, who testified that the accused had only received the two bangles in January 2021.⁸¹

77 Second, the evidence showed that the accused needed to borrow money from others, which contradicted his assertion that he had the financial means to support himself at the time of his arrest. On 13 January 2021, less than a week before his arrest, the accused borrowed \$1,000 from his sister.⁸² On 19 January 2021, the accused likewise sought to borrow \$2,000 to \$3,000 from his ex-girlfriend.⁸³ The fact that the accused needed to borrow a substantial sum on two occasions within such a short period of time suggested, to my mind, that the accused was in a dire financial situation. This supported an inference that the drugs were meant for sale, and not for consumption.

78 The Defence submitted that the discrepancies in the dates and amounts could be attributed to the accused not having had the opportunity to review his WhatsApp messages. The accused only borrowed those funds from his sister

⁷⁹ PCS at para 51; Exhibit CD2 at pp 792–793.

⁸⁰ Certified Transcript dated 9 May 2025 at p 9, lines 13–15.

⁸¹ Certified Transcript dated 13 May 2025 at p 43, lines 9–18.

⁸² Certified Transcript dated 13 May 2025 at p 41, lines 23–31.

⁸³ Certified Transcript dated 13 May 2025 at p 17, lines 9–29.

and ex-girlfriend out of caution. The estimate of his monthly living expenses of \$1,000 was a reasonable one.⁸⁴

79 I did not find these explanations convincing. In particular, I found that the accused did not borrow from his sister or seek to borrow from his ex-girlfriend out of precaution. His expressed need for the funds was immediate. The tone of his messages suggested that it was more likely than not that he would end up requiring the money from his ex-girlfriend to pay for his ex-wife and child's expenditure in the near future.⁸⁵ The timing of his request, which was less than a week after he received \$1,000 from his sister, also suggested that his need for funds was more pressing than he alleged. As it turned out, the accused was arrested later that day, and there was no opportunity for him to actually borrow the funds from his ex-girlfriend. Nevertheless, I was satisfied, in the circumstances, that the accused required the funds urgently to pay for his own expenses as a result of his dire financial situation.

80 Finally, there was little evidence to substantiate the accused's alleged investment with Zack. The accused's evidence was that he had transferred a total of \$20,000 to Zack for investment purposes, which was a significant sum. Yet, no details were provided as to the nature of this investment, the accused's relationship with Zack, and why he decided to invest with Zack. All that the accused could say was that Zack was a "new acquaintance".⁸⁶ Zack's identity was otherwise entirely unknown. The accused notably did not call Zack as a witness. All in all, I found that Zack was a convenient destination for the outflow of funds. The investment with Zack coincided with the depletion of funds in the

⁸⁴ DCS at para 107.

⁸⁵ Certified Transcript dated 13 May 2025 at p 16, lines 1–18 and p 17, lines 5–29.

⁸⁶ Certified Transcript dated 9 May 2025 at p 8, lines 9–15.

month leading up to the accused's arrest, which conveniently helped to explain why the accused only had a total of \$1,100 on the day of his arrest. To my mind, the outflow of funds to Zack was included to enable the accused to artificially bolster his financial position in the preceding months, which in turn helped to support his claimed rate of consumption.

81 In my view, the accused's assertions in relation to his financial means had to be either true as he asserted, or false if his version was not accepted. I could not accept part of his evidence and reject other parts – his position as to his financial means would not have been sustainable otherwise. The lack of a proper explanation as to his investment with Zack and the absence of any objective evidence to substantiate this, along with the other problems identified above, meant that I could not accept the accused's evidence as to his financial means.

82 In the circumstances, the inference that I would draw from the evidence is that the accused did not have the financial means to support himself in January 2021. This required him to borrow funds from his sister and his ex-girlfriend. The figures tendered by the Defence were plagued by various inconsistencies and were not adequately substantiated by the objective evidence. The accused's lack of financial means, in turn, suggested that he could not stockpile the drugs for consumption as he alleged.

The effect of the accused's lies

83 Based on my findings above, at least some of the assertions made by the accused in the course of his testimony at trial were lies. For instance:

- (a) The accused was lying when he testified that he only realised he had understated his rates of consumption previously to various officers

upon reviewing his WhatsApp messages (see [60] above). As he himself admitted, the WhatsApp messages had nothing to do with his daily rates of consumption. I thus found it appropriate to infer that the explanation given by the accused was a lie.

(b) The accused was also lying as to his supply of drugs. As I found above, some of the alleged deliveries were non-existent and a complete fabrication by the accused. They were not supported by the WhatsApp messages, and the accused admitted that one of the alleged suppliers was actually his customer instead (see [67] above). Further, his explanation as to how he planned to obtain drugs from “NTUC” was illogical. This pointed to an inference that the accused had fabricated this to support his claimed rate of consumption (see [69] above).

(c) Finally, the accused was not truthful about his financial means. I was satisfied that the alleged investments with Zack were fabricated by the accused to inflate his financial means and to support his claimed rate of consumption. I inferred that the accused was lying as he was unable to provide any details about the investments or Zack’s identity (see [80] above).

84 The Prosecution argued that these lies corroborated the accused’s guilt, relying on the doctrine in *Regina v Lucas (Ruth)* [1981] QB 720 (“*Lucas*”). The *Lucas* doctrine has been accepted and applied in Singapore: *Public Prosecutor v Ilechukwu Uchechukwu Chukwudi* [2015] SGCA 33 (“*Ilechukwu*”) at [60]. In this regard, for an accused’s lies to amount to corroboration of evidence of guilt, four requirements must be satisfied:

- (a) the lies told out of court were deliberate;
- (b) the lies related to a material issue;

- (c) the motive for the lies was a realisation of guilt and a fear of the truth; and
- (d) the statements must clearly be shown to be lies by independent evidence.

85 In the present case, the lies told by the accused were largely found in his testimony at trial. They were not told out of court. This did not, however, pose any obstacle to the application of the *Lucas* doctrine. As explained in *Lucas* (at 724–725), so long as the four requirements are satisfied, lies told in court should be equally capable of providing corroboration of evidence of guilt.

86 Nevertheless, I found that the lies of the accused did not corroborate his guilt here. While the first three requirements were satisfied, I was not satisfied that the impugned parts of the accused’s testimony had been clearly shown to be a lie by independent evidence. Instead, they were more in the nature of bare assertions that were not supported by the objective evidence. This entitled me to infer that the accused was lying in his testimony, but that was not sufficient to invoke the *Lucas* doctrine.

87 That said, even if the lies did not corroborate the accused’s guilt, the lies still went towards undermining his credibility as a whole, which meant that the court had to treat his evidence with great caution. As explained in *Ilechukwu* at [62]:

Finally, a lie that is not corroborative of guilt can still be relied upon to make a finding that an accused person is not creditworthy. The evidence of a witness who is demonstrably economical with the truth without any good reason ought to be treated with a healthy level of caution, *a fortiori*, if it indicates a propensity to change his evidence as the trial proceeded. In fact, lies can be taken into account when assessing the creditworthiness of an accused person even if he has a valid reason for lying ... [emphasis in original omitted]

88 On the facts, I found that the credibility of the accused was adversely affected by the lies that he had told in relation to various aspects of his defence of consumption. This fortified my conclusion that the defence ought to be rejected and that the accused had failed to rebut the presumption of trafficking on a balance of probabilities or had otherwise failed to raise a reasonable doubt in the Prosecution's case.

Conclusion on the defence of consumption

89 On the whole, I was satisfied that the accused's defence of consumption ought to be rejected. As I have found above, there was no credible evidence to support his claimed rate of consumption. To the contrary, the evidence before me suggested that his true rate of consumption was much lower, and the claimed rate of consumption was a mere afterthought that was raised to evade the capital charge. I was also unable to accept the accused's evidence on his supply of drugs and financial means. The inconsistencies in his evidence led me to infer that his assertions were false and consisted of fabrications to support his claimed rate of consumption. These fabrications also undermined the credibility of his evidence as a whole.

90 In this regard, I would emphasise that the burden was on the accused to prove not only his rate of consumption, but also that he intended a portion of the drugs in the exhibits forming the subject matter of the charges to be for his own consumption, thereby reducing the quantities intended for trafficking below the capital thresholds. The accused failed to adduce any credible evidence on either front. Thus, even if the accused was a consumer of both drugs and intended to consume a portion of the drugs in the relevant bundles, the charges against him would still have been made out. The quantities of drugs intended for trafficking in both charges exceeded the capital thresholds by a significant

margin. Viewing the evidence holistically, the accused's assertion that he only intended to traffic a non-capital amount of diamorphine and cannabis had to be rejected. This is consistent with the Court of Appeal's approach in *Sulaiman bin Jumari v Public Prosecutor* [2021] 1 SLR 557 at [117] as follows:

We agree with the Judge's findings. The burden of proof to establish the extent of personal consumption of the drugs is on the appellant. It is incumbent on him to show by credible evidence the rate of personal consumption. As discussed earlier, his evidence on his rate of consumption was inconsistent. There was no credible evidence of the rate of consumption. Further, as stated in his cautioned statement, the drugs were for his own consumption and "also to be sold to maintain my own consumption of drugs and my daily living". His living expenses included renting a room in a condominium. His evidence at the trial was that selling drugs was his only source of income. Obviously, this meant that the bulk of the drugs must be for sale and therefore trafficking. *We reiterate here that the three bundles of the drugs in question contained a sizeable amount of almost 50g of diamorphine. Even if he consumed half of this lot of drugs, there would still be about 25g meant for trafficking and a capital offence would still be made out.* [emphasis added]

91 Accordingly, I was satisfied that the accused failed to raise a reasonable doubt in the Prosecution's case that all of the drugs in the relevant bundles were intended for sale. It followed that he was also unable to rebut the presumptions of trafficking on a balance of probabilities. The two capital charges against the accused were therefore made out.

Individual testing of blocks

92 Finally, the Defence sought to raise a reasonable doubt by relying on the lack of individual testing of the blocks found in the relevant bundles. This lack of individual testing meant that values of purity could not be assigned to each particular block within the bundles.⁸⁷ In turn, if the accused had intended to

⁸⁷ DCS at para 10.

consume some of the blocks of drugs in the bundles, the quantities of drugs that were intended for consumption could not be determined precisely.⁸⁸ Therefore, the Defence argued that this rebutted the presumption of trafficking on a balance of probabilities or otherwise raised a reasonable doubt in the Prosecution's case that the quantities intended for trafficking exceeded the capital thresholds.⁸⁹

93 The Prosecution's case was that the 3 Feb Statement made it clear that all of the drugs in the bundles were meant for trafficking. Alternatively, the Prosecution relied on the presumption of trafficking. Either way, the burden was on the accused to establish that a portion of the drugs in the bundles was meant for consumption by raising credible evidence to that effect.

94 Mr Lim, the analyst from the Health Sciences Authority, testified at trial as to how the drugs in each bundle were analysed. He accepted that the blocks were not tested individually. Instead, the analysis was only carried out after all the blocks had been pulverised and homogenised. It was therefore not possible to assign values of purity to each particular block. Mr Lim testified as follows:⁹⁰

Q: Now, each of these blocks were not tested, correct?

A: The chemical analysis was only performed after the pulverisation and homogenisation of the granular powdery substance.

Q: Witness, each of these blocks were not tested individually, correct? Yes or no?

A: The testing was not done on each individual block, Your Honour.

...

A: It was only performed after the whole exhibit was pulverised and homogenised.

⁸⁸ DCS at para 10.

⁸⁹ DCS at paras 9 and 11.

⁹⁰ Certified Transcript dated 2 December 2024 at p 12, lines 21–32.

Q: Yes. So we cannot ascertain values of purity to each particular block, correct

A: We cannot ascertain purity to each individual block, yes.

Q: And so let's say five of these stones are removed and consumed. We cannot say exactly how much of pure heroin was consumed by that person, correct?

A: That is correct, Your Honour.

95 Given my findings on the 3 Feb Statement above, I found that it was not necessary for the blocks to have been individually tested for the Prosecution to make out its case against the accused beyond reasonable doubt. The admission in the 3 Feb Statement made it clear that all of the drugs contained in the relevant bundles were meant for sale. I saw no reason to displace the 3 Feb Statement on the facts of this case, and full weight was placed on it. It was therefore irrelevant whether the drugs were individually tested.

96 In any case, the presumptions of trafficking also applied in the present case, and the burden was on the accused to prove his defence of consumption on a balance of probabilities: *A Steven* at [22]. To begin with, I have already found that there was no basis for the rates of consumption proffered by the accused. He failed to provide credible evidence that a portion of the drugs was meant for consumption, and that the quantities for trafficking ought to be reduced accordingly. Even taking the Defence's argument at its highest, the issue of the lack of individual testing only becomes live if the accused was contending that specific blocks, which have a higher content of drugs, were intended for consumption. The burden was on the accused to make out his case. He needed to adduce some evidence to show that the homogeneity of the drugs in each bundle was in doubt, and to explain how that would be relevant to his defence of consumption. There was no evidence to this effect. To my mind, there was no reason for suspicion that there was significant variation in the

purity of the blocks in each bundle. There was thus nothing to suggest that the method of testing was inappropriate. The accused failed to particularise how the lack of individual testing impacted his defence of consumption and the quantities intended for trafficking in the two charges. In the circumstances, I was satisfied that there was no need for the Prosecution to identify the specific blocks that were intended for trafficking, and to test and measure their contents individually.

97 There may be practical issues with such individual testing of blocks, as the Prosecution seemed to allude to. However, such individual testing may be required by the context in certain cases. I would therefore leave the articulation of a test for that to an appropriate case. I was satisfied that this was not a case which required the individual testing of blocks. Indeed, I would think that in most situations, such individual testing would not be required.

Conviction

98 In summary, I was satisfied that the Prosecution had proven beyond a reasonable doubt that the accused possessed the quantities of diamorphine and cannabis in the First Charge and Second Charge respectively for the purpose of trafficking. The 3 Feb Statement made it clear that all of the drugs in the relevant bundles were meant for sale.

99 In the alternative, the presumption of trafficking under s 17 of the MDA applied, and the accused was unable to rebut this on a balance of probabilities. The defence of consumption was not made out. There was little to no credible evidence to support the accused's claimed rate of consumption. His evidence as to the supply of drugs and his financial means was also rejected.

100 Accordingly, the accused was convicted on both charges.

Sentencing

101 My finding on conviction was that the accused possessed the drugs in the relevant bundles for the purpose of selling them. He was therefore not a “courier” within the meaning of s 33B of the MDA and was not eligible for the alternative sentencing regime under that section. That was the position of the Prosecution. The Defence had nothing to add on this point.⁹¹

102 The accused was subject to sentencing under s 33(1) of the MDA, which prescribes the death penalty for the quantities of diamorphine and cannabis stated in the First Charge and Second Charge respectively. The death penalty was pronounced in respect of both charges. The other charges which had been stood down at the start of trial were withdrawn by the Prosecution under s 147(1) of the CPC.

Aidan Xu
Judge of the High Court

Chan Yi Cheng, Gabriel Lee Heng Bin and Lim Li Ting (Attorney-
General’s Chambers) for the Prosecution;
Eugene Singarajah Thuraisingam and Hamza Zafar Malik (Eugene
Thuraisingam LLP) for the accused.

⁹¹ Certified Transcript dated 17 October 2025 at p 4, lines 28–31, p 5, lines 1–6 and p 7, line 10.