

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

District Arrest Case No 911543 of 2025 and 8 Others

Public Prosecutor

Against

Mohammed Akil Bin Abdul Rahim

ORAL JUDGMENT ON SENTENCE

26 August 2025

1 These are brief grounds underlying my decision on sentence in this case, which I will supplement in the event I issue full grounds.

2 The Accused, Mr Mohammed Akil Bin Abdul Rahim, pleaded guilty to the following five charges before the Court:

(a) DAC-911543-2025 – for making a false statement in connection with an application for a Singapore passport, an offence punishable under section 39(1) of the Passports Act 2007 (“Passports Act”);

(b) DSC-900414-2025 – for possessing for sale 26.4g of white powder containing Etomidate, an offence punishable under section 16(1) of the Poisons Act 1938 (“Poisons Act”);

(c) MCN-900576-2025 – for possessing for the purpose of sale 100 loose e-vaporiser pods, an offence punishable under section 16(6)(a) of the Tobacco (Control of Advertisements and Sale) Act 1993;

(d) MCN-900577-2025 – for possessing for the purpose of sale 569 pieces of empty pod casings, 534 pieces of pod components, and 1485 pieces of pod cover, an offence punishable under section 16(6)(a) of the Tobacco (Control of Advertisements and Sale) Act 1993 (“TCA”); and

(e) A regulatory offence for driving into a specified entry point during restricted hours with insufficient value in the ERP card to pay for the road-user charge.

3 He admitted and consented to have another four charges be taken into consideration for the purpose of sentencing.

4 In their submissions on sentence for the offence under the Passports Act, the Immigration and Checkpoints Authority (“ICA”) asked for a sentence of 6 to 8 weeks’ imprisonment to be imposed. As for the charges under the Poisons Act and the TCA, the Health Sciences Authority (“HSA”) urged the Court to impose a global sentence between 12 to 15 months’ imprisonment, and to order this to run consecutively with the sentence imposed on the charge under the Passports Act.

5 In mitigation, the Accused accepted full responsibility for his actions and apologised for his mistake. The Accused said that he had committed the offences without any malicious intent but out of desperation as he was jobless and needed money to support his family. His judgment was clouded when he accepted the offer to pack and deliver Etomidate without fully understanding the gravity of his actions. The Accused asked for a second chance to be given to him and urged the court to consider the impact on his children should he be incarcerated for a lengthy period.

Sentence for DSC-900414-2025

6 I turn first to the proceeded charge under the Poisons Act. In calibrating sentence for this offence, I agree with the prosecution that deterrence must operate as the paramount sentencing consideration. The reasons are as follows.

- (a) First, as observed by the High Court in *Tan Gek Young v PP and another appeal* [2017] 5 SLR 820 “[d]eterrence is indubitably the primary sentencing consideration for the offences under the Poisons Act”. This was because Parliament had twice enhanced the prescribed maximum sentences for offences under the Poisons Act with deterrence in mind: *Tan Gek Young* at [43].

(b) Second, the prevalence of Etomidate-laced e-vaporisers points starkly to the need for general deterrence. As set out by the prosecution in their sentencing submissions, a recent study conducted by HSA showed that approximately one-third of randomly sampled e-vaporisers confiscated from members of the public tested positive for Etomidate. In the first half of this year, Etomidate was detected in half of the cases involving smuggling and peddling of e-vaporisers from Malaysia, with the number of such Etomidate-laced pods ranging from eight to an alarming 4535 per case.

(c) Third, offences of this nature affect public safety and health. As set out in the Drug Information Report for inhalation of Etomidate, such misuse can result in psychiatric symptoms such as depressed mood, mood swings and increased impulsivity, leading to suicide attempts and aggression. Other reported side effects include altered consciousness, slow response and dizziness. The potentially devastating effects of Etomidate-abuse is already apparent. HSA's submissions reveal that over the period of January 2024 to May 2025, Etomidate had been detected in the biological samples of 21 unnatural death cases, which could have contributed to the deaths. A recent example was a fatal road traffic accident in May 2025, where Etomidate was subsequently detected in the blood samples of the driver as well as his passenger, who later passed away (HSA press release dated 25 July 2025).

(d) Fourth, vaping-related offences, and in particular, those involving Etomidate-laced pods, have given rise to public disquiet and consternation. As set out in HSA's press release dated 20 July 2025, since 2024, HSA has observed a significant increase in public feedback on vaping-related offences as well as considerable increase in the

number of social media postings capturing others vaping in public. There are also worrying signs that the young and vulnerable are being disproportionately impacted, with 38% of persons found in possession of Etomidate-laced devises (as of 30 June 2025) being minors below 21 years of age. These included cases involving abusers who were as young as 13 and 16 years old (HSA press releases dated 13 May and 20 July 2025).

7 Having determined that deterrence is the dominant sentencing consideration for the offence, I turn to the facts of the case in assessing sentence.

8 It cannot be gainsaid that the quantity of Etomidate involved is an important factor in determining sentence for the present offence. This is because the quantity of Etomidate is representative of the scale and degree of harm which could be caused by its sale and distribution. In this case, the Accused has admitted that the 26.4g of powder seized could be used to produce about 70 Etomidate-laced pods. Added to this, the charge in DSC-900413-2025 which the Accused admitted to, revealed that he had sold 100 vape pods containing Etomidate on the same day.

9 The facts admitted by the Accused also reveal that he was not a mere seller of Etomidate or pods containing the same. He was actively engaged in processing and packaging the substance; transforming what is meant for intravenous medical use, into a form that facilitates abuse by inhalation through a vaping device. Indeed, [11] of the Statement of Facts (and the charge in MCN-900575-2025) showed that the 100 Etomidate-laced pods the Accused had sold was packaged with two vaporizer box sets.

10 Furthermore, there was a transnational element in the offence and the case bore the hallmarks of the involvement of a syndicate. To recapitulate, the Accused was operating under the instructions of someone named “Joe” whom he met in Malaysia, to serve “customers in Singapore”. The supplies for producing the Etomidate-infused pods would be couriered to the Accused while Joe would provide potential customers with the Accused’s contact number to place their orders. Joe would either pay the Accused in Malaysia or through a delivery person in Singapore. These are aggravating factors.

11 Having carefully considered all the facts and circumstances of the case, I am of the view that, had the Accused claimed trial, the appropriate sentence would have been 16 months’ imprisonment. However, as the Accused had elected to plead guilty at the earliest instance, I accord him the maximum 30% reduction pursuant to the Guidelines on Reduction in Sentences for Guilty Pleas and arrive at a sentence of 11 months’ imprisonment.

Sentences for MCN-900576-2025 and MCN-900577-2025

12 I next consider the sentences for the two proceeded charges under the TCA.

13 As submitted by the prosecution, the need for deterrence applies with equal force to the TCA offences involving e-vaporisers as considerations such as prevalence, adverse impact on public health and public disquiet are similarly engaged.

14 For the charge in MCN-900576-2025 for possessing for the purpose of sale 100 loose e-vaporiser pods, I am of the view that if the Accused had claimed trial, the appropriate sentence would have been 2 months’ imprisonment.

However, as the Accused has pleaded guilty, I impose a sentence of 1 month and 2 weeks' imprisonment.

15 To be clear, in calibrating sentence for this offence, I have not taken into consideration the fact that when they were seized, the 100 pods were found to contain Etomidate. This is because the relevant charge under the Poisons Act (DSC-900413-2025) has already been taken into consideration in determining the sentence for the proceeded charge in DSC-900414-2025.

16 As for the charge in MCN-900577-2025 for possessing for the purpose of sale 569 pieces of empty pod casings, 534 pieces of pod components, and 1485 pieces of pod cover, I am of the view that the appropriate sentence, had the Accused claimed trial, would have been 4 to 5 months' imprisonment. Apart from the numerous articles seized, I take into consideration the fact that the items were meant for use in producing Etomidate-laced pods for sale. Applying the 30% sentencing discount in view of the Accused's early plea of guilt, I arrive at a sentence of 3 months' imprisonment.

Sentence for DAC-911543-2025

17 Moving on to the charge under section 39(1) of the Passports Act, I agree with the prosecution that guidance should be taken from *Idya Nurhazlyn bte Ahmad Khir v PP and another appeal* [2014] 1 SLR 756 ("*Idya*") where the High Court set the starting point at a term of between 4 and 8 weeks for such an offence. Further, the High Court stated that where the false statement is made in connection with a view to applying for a passport, a sentence at the higher end of that range would be appropriate. Conversely if it is in connection with a single use document of identity for the purpose of returning home to Singapore, a sentence at the lower end of that range would be appropriate. The starting point may then be adjusted up or down having regard to the considerations set

out in the analytical framework in *Abu Syeed Chowdhury v PP* [2002] 1 SLR(R)

182. They are:

- (a) The materiality of the false representation on the mind of the decision-maker;
- (b) The nature and extent of the deception;
- (c) The consequences of the deception; and
- (d) The personal mitigation factors applicable to the offender.

18 Applying the above to the present case, I agree with the prosecution that since the Accused had made the false statements in his application for a passport, a starting point at the higher end of the range (i.e. between 6 to 8 weeks) would be apposite. Thereafter, applying the sentencing considerations set out in *Abu Syeed Chowdhury*, I agree with the prosecution that the false statement describing how the Accused had allegedly lost his passport would have been material to ICA in processing the Accused's application. Had he told the truth, his application would surely have been rejected. Indeed, the false statement was a complete fabrication on the Accused's part to put forth a seemingly innocent reason to support his application for a replacement passport. Consequent to the deception, the Accused managed to circumvent the travel restrictions placed on him by the seizure of his passport, and travelled overseas on multiple occasions.

19 In my judgment, it is also aggravating that the Accused had committed the offence while he was under investigations by another agency. This demonstrates a heightened need for specific deterrence.

20 In view of the above considerations, I adjust the starting sentence upwards to 2 months' imprisonment. As I had calibrated sentence based on the guidelines in *Idya*, a case in which the offender had pleaded guilty, no further reduction in sentence would be accorded in account of the Accused's plea of guilt. In my view, this sentence is broadly in line with the sentence of 1½ months' imprisonment per charge that was meted out to the offender in *Idya* who pleaded guilty to two charges under section 39(1) of the Passports Act for making false statements to apply for documents of identity.

Sentence for LTA Case No.: 3241000504

21 As for the last proceeded charge under Rule 7(1)(f) of the Road Traffic (Electronic Road Pricing System) Rules, I impose the usual fine of \$400, in default, 2 days' imprisonment.

22 I should add that, in deliberating sentence, I have considered the points raised by the Accused in mitigation, including the fact that the offences were not committed out of malice but were driven by financial difficulties. While I have no reason to doubt that the Accused was going through challenging personal and financial circumstances at the material time, the law is clear that such circumstances carry little (if any) mitigating value. As explained by the High Court in *Lai Oei Mui Jenny v PP* [1993] 2 SLR(R) 406 ("*Jenny Lai*"), "[t]he whole purpose of the law is to maintain order and discipline, and that is most necessary precisely when the citizen might be inclined to act to the prejudice of good order.": *Jenny Lai* at [10]. As for the hardship caused to the Accused's family as a result of his incarceration, this is the unavoidable consequence of the Accused's conviction for the crimes he had committed; and, in the absence of exceptional circumstances, would not justify a reduction of the proper sentence: *Jenny Lai* at [11]-[12].

23 The Accused is thus sentenced as follows:

Charge	Sentence
DAC-911543-2025	2 months' imprisonment
DSC-900414-2025	11 months' imprisonment
MCN-900576-2025	1 month and 2 weeks' imprisonment
MCN-900577-2025	3 months' imprisonment
LTA Case No.: 3241000504	Fine \$400 in default 2 days' imprisonment.

24 Finally, I turn to consider which of the four imprisonment terms imposed should run consecutively or concurrently. In my judgment, the sentences in DAC-911543-2025, DSC-900414-2025 and MCN-900577-2025 ought to run consecutively. This is because the offences clearly violated different legally protected interests: *Mohamed Shouffee bin Adam v PP* [2014] 2 SLR 998 (“*Mohamed Shouffee*”) at [31]. Further, the aggregate sentence would not offend the totality principle as it is not substantially above the normal level of sentences for the most serious of the individual offences involved, nor crushing in its effect: *Mohamed Shouffee* at [54] and [57].

25 The global sentence is therefore 16 months' imprisonment and a \$400 fine, in default, 2 days' imprisonment. In my view, this sentence is reflective of and proportionate to the Accused's overall criminality and appropriate for the purpose of deterrence.

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26 The sentence is backdated to 18 June 2025, the date of arrest.

Ong Chin Rhu
District Judge

Yang Ziliang (Health Sciences Authority), Boo Zhi Ying
(Immigration & Checkpoints Authority), Elaine Ng (Land Transport
Authority) for the Public Prosecutor;
Accused in person.
