

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 181/2025
[2026] NZSC 73**

BETWEEN BALTEJ SINGH
Applicant

AND THE KING
Respondent

SC 183/2025

BETWEEN HIMATJIT SINGH KAHLON
Applicant

AND THE KING
Respondent

Court: Ellen France, Williams and Kós JJ

Counsel: B J Hunt and H G de Groot for Applicant in SC 181/2025
P L Borich KC for Applicant in SC 183/2025
J M Pridgeon and J G Fenton for Respondent

Judgment: 4 June 2026

JUDGMENT OF THE COURT

The applications for leave to appeal are dismissed.

REASONS

Introduction

[1] The applicants were sentenced in the High Court for their roles in drug offending involving over 700 kg of methamphetamine along with associated

offending.¹ Mr Singh was sentenced to a term of 22 years' imprisonment with a minimum period of imprisonment (MPI) of 10 years. Mr Kahlon was sentenced to 21 years' imprisonment with an MPI of 10 years. Both applicants appealed unsuccessfully to the Court of Appeal against sentence.² Both now seek leave to appeal to this Court on the basis an MPI should not have been imposed.

Background

[2] The facts are set out in the Court of Appeal judgment.³ For present purposes, we need only note that the methamphetamine was dissolved in cans and bottles labelled "Honey Bear" beer or kombucha to avoid detection by law enforcement.⁴

[3] Mr Singh pleaded guilty to four charges: a representative charge of importing ephedrine; a representative charge of importing methamphetamine; possession of methamphetamine for supply; and possession of cocaine for supply. In total, between some 628–741 kg of methamphetamine and 2.3 kg of cocaine were identified.

[4] Mr Kahlon was found guilty after trial of the manslaughter of his 21-year-old workmate, Aiden Sagala, and of possession of methamphetamine for supply. The manslaughter charge arose after Mr Kahlon gave his team at work cans of the "Honey Bear" beer. The can from which Mr Sagala drank, unbeknownst to Mr Kahlon, contained methamphetamine. Mr Sagala died as a result of the quantity of methamphetamine he consumed from the can.

[5] Mr Singh was the senior of the two in terms of the offending. For example, Mr Singh rented the storage unit in which the cans containing the methamphetamine were stored and he arranged transportation. Mr Kahlon was involved in removing the cans and assisted Mr Singh (he made at least 28 visits to the storage facility over a two-month period) in extracting and processing the methamphetamine. He had his own keys to the storage facility. The amount of methamphetamine involved was, at

¹ *R v S* [2025] NZHC 349 (Tahana J) [Mr Singh sentencing notes]; and *R v Kahlon* [2025] NZHC 350 (Tahana J) [Mr Kahlon sentencing notes].

² *Kahlon v R* [2025] NZCA 572 (Whata, Venning and Osborne JJ) [CA judgment].

³ At [2]–[10].

⁴ Another consignment contained cans of coconut water in which ephedrine and methamphetamine were dissolved.

the time of sentencing and at the date of the Court of Appeal judgment, the largest seizure of methamphetamine in New Zealand.

[6] In sentencing Mr Singh, the Judge rejected as implausible the submission Mr Singh was acting under coercion.⁵ The Judge accepted, as did the Crown, that Mr Singh was “not at the top of the hierarchy” of what was an international operation.⁶ The Judge determined Mr Singh was “motivated by significant financial gain” but accepted there was no evidence he had received more than the \$121,600 found by police in his car.⁷ The Judge considered that was “unsurprising given the significant quantity still in the storage unit”.⁸

[7] In terms of Mr Kahlon, the sentencing Judge found that, while Mr Kahlon would not have known the exact quantity involved, he would have known the offending involved hundreds of kilograms.⁹ In the context of sentencing, Mr Kahlon relied on the report of Ms Visser, a clinical psychologist, about his suggestibility and compliance. The Judge set that report aside on the basis “any degree of compliance” would not have led Mr Kahlon “to assisting with a large scale methamphetamine operation” because he was “asked to [do so] by someone [he] respected”.¹⁰ The Judge accepting Mr Kahlon was “trusting of, and loyal to”, Mr Singh.¹¹ The Judge also rejected the submission for Mr Kahlon that he was not motivated by financial gain, although accepting his expectation of gain “was significantly less” than that of Mr Singh.¹²

[8] Although these discounts are not challenged before us,¹³ we note that from the respective starting points, for Mr Singh the discounts applied were 10 per cent for personal circumstances (PTSD and childhood trauma, alcohol and cocaine use); five per cent for previous good character; five per cent for remorse and rehabilitation;

⁵ Mr Singh sentencing notes, above n 1, at [33]–[40].

⁶ At [41]. The importations came from India, Canada and the United States.

⁷ At [46].

⁸ At [46].

⁹ Mr Kahlon sentencing notes, above n 1, at [12]; and see [15].

¹⁰ At [16].

¹¹ At [17].

¹² At [41].

¹³ Mr Singh initially sought to challenge the discounts, but that submission appears not to have been pursued.

and 10 per cent for the (late) guilty plea.¹⁴ The Judge applied the following discounts in relation to Mr Kahlon: 10 per cent for the impact of incarceration on Mr Kahlon's two young children (then, aged six and nine); five per cent for previous good character; five per cent for remorse and prospects of rehabilitation; and five per cent for time on bail.

[9] The approach taken by the sentencing Judge to the MPI was along the same lines for both applicants, so it is sufficient to set out the observations on this made in relation to Mr Kahlon:¹⁵

[88] Given the quantity of methamphetamine involved and the fact that it was contained in beverages, in my view, deterrence of others is very important. You must have been aware that you were involved with a substantial quantity of methamphetamine. You were involved in all aspects of the extraction and processing of the methamphetamine. While I am satisfied that there is a low risk of you offending again, I consider that deterring others in the community from engaging in similar offending is very important. Further, it is important that you are held to account for the role you played in the methamphetamine offending and I am not satisfied that the parole period of seven years' imprisonment is sufficient for the purposes of accountability, denunciation, and deterrence of others. I do not consider that your personal circumstances weigh against imposing a minimum period of imprisonment.

[10] In dismissing the challenge to the imposition of an MPI in relation to Mr Singh, the Court of Appeal noted that s 86 of the Sentencing Act 2002 on its face provided for a 10-year MPI, and anticipated that there might be "substantial periods of imprisonment imposed" with an MPI attached.¹⁶ The Court referred to the discussion in *Zhang v R* which confirmed that "there is a place for the imposition of an MPI where drug offending is commercial and serious".¹⁷ Mr Singh's offending was seen as coming within that description. In terms of Mr Kahlon, the Court of Appeal considered the harm posed by his offending could not be overstated. In the circumstances, the MPIs were appropriate.

¹⁴ The plea was entered the Friday prior to trial.

¹⁵ Mr Kahlon sentencing notes, above n 1.

¹⁶ CA judgment, above n 2, at [46].

¹⁷ At [47] citing *Zhang v R* [2019] NZCA 507, [2019] 3 NZLR 648 at [170]–[171].

The proposed appeal

[11] For Mr Singh, the submission is that the proposed appeal raises questions of general importance about the approach to the imposition of an MPI under s 86 of the Sentencing Act when a lengthy sentence is imposed.¹⁸ The submission is that there is a lack of consistency in the case law on this issue. Further, it is submitted that the imposition of an MPI here has given rise to a miscarriage of justice.¹⁹ Under the approach the applicant takes, there are no incremental sentencing gains from the imposition of an MPI for lengthy sentences, but only disproportionate severity.

[12] Mr Kahlon similarly submits that the proposed appeal raises a question of general importance about the application of s 86. It is also submitted that the approach taken by the sentencing Judge, and upheld by the Court of Appeal, involved the application of s 86 in a routine or mechanistic way, contrary to the authorities such as *Zhang v R*, which emphasised the need for a reasoned analysis. In this case, there was no consideration of whether an MPI was required given the total sentence imposed, personal circumstances, and the availability of the Parole Board's oversight.

Our assessment

[13] Nothing raised by the applicants calls into question the Court of Appeal's assessment that, essentially, the seriousness of the offending was such that general deterrence prevailed. In terms of Mr Kahlon, while he was in a lesser role, the reality is that the harm to the community resulting from methamphetamine manifested in this case. Accordingly, while it may be that at some point in time this Court will wish to consider the approach to s 86, particularly in cases involving lengthy sentences where the risk of re-offending is low, we do not consider that the present case provides an appropriate vehicle for that consideration. Against this background, nor is there an appearance of a miscarriage of justice.

¹⁸ Senior Courts Act 2016, s 74(2)(a).

¹⁹ Section 74(2)(b).

Result

[14] The applications for leave to appeal are dismissed.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent