



# Sampling, Storage and Disposal of Seized Drugs and Conveyances.



**ABHISHEK ANAND, IRS**  
**ZONAL DIRECTOR**  
**NARCOTICS CONTROL BUREAU**



Section 52A of the NDPS Act, 1985  
-Disposal of seized narcotic drugs and  
psychotropic substances

AND

GSR 899E dated 23 December 2022  
– Narcotic Drugs and Psychotropic  
Substances (Seizure, Storage, Sampling  
and Disposal) Rules, 2022



## Sec. 52A of the NDPS act



### - Disposal of seized narcotic drugs and psychotropic substances

- 52A(1) Central govt., may having regard to the hazardous nature, vulnerability to theft, substitution, constrain of storage etc., in respect of seized drug/substances or conveyance, issue Gazette Notification for early disposal of such items.
- (2) Where a seized drug/conveyance has been seized and forwarded to the officer-in-charge of Police Station or Officer empowered under section 53, that officer shall prepare a **detail** inventory of the same and make an application to the Magistrate for:
  - (a) Certifying the correctness of the inventory so prepared;
  - (b) Taking, in the presence of such magistrate, photographs of the seized drugs/conveyance and certifying such photographs as true; and
  - (c) Allowing to draw representative samples of such drugs, in his presence and certifying the correctness of the samples so drawn.
- (3) where an application is made under sub-section (2), the Magistrate shall, as soon as maybe, allow the application.
- (4) Such inventory, photographs and samples certified by the Magistrate to be treated as primary evidence, notwithstanding anything contained in the Indian Evidence Act or CrPC.



## Sec. 52A of the NDPS act



### - Disposal of seized narcotic drugs and psychotropic substances

- (4)Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872)or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the **inventory**, the **photographs** of narcotic drugs or psychotropic substances **and any list of samples drawn under subsection (2)** and certified by the Magistrate, **as primary evidence** in respect of such offence].



GSR 899E, dated 23<sup>rd</sup> December, 2022  
– Narcotic Drugs and Psychotropic Substances (Seizure,  
Storage, Sampling and Disposal) Rules, 2022

## **CHAPTER - III (SAMPLING)**

- Application to Magistrate as per section 52A
- Samples to be drawn in the presence of the Magistrate and the same to be certified by the Magistrate in accordance with the provisions of section 52A of the NDPS Act.
- When packages/containers are of identical size and weight, with identical markings and the drug detection kit gives identical results of such packages/containers, the packages/containers may be bunched in lots of not more than 10 packages/containers and one sample, in duplicate may be drawn from each lot.
- In the case of ganja, poppy straw and hashish (charas) the packages maybe bunched in lots of not more than 40 packages/containers.
- Representative sample in equal quantity is to be taken from each package/container of the lot and mixed together to make a composite whole of one sample from the lot.



GSR 899E, dated 23<sup>rd</sup> December, 2022  
– Narcotic Drugs and Psychotropic Substances  
(Seizure, Storage, Sampling and Disposal) Rules, 2022

### **CHAPTER - III (SAMPLING)**

- 01 sample in duplicate to be drawn from each package/container or Lot

#### **Quantity of samples to be drawn:**

- Heroin/ Cocaine – 5 grams,
  - Poppy Straw – 100 grams,
  - Ganja / opium / Charas – 24 grams.
  - Other powdery / liquid substance- 5gm
  - Medicinal drugs- One strip of 10 tablets
  - In cases where the seized quantity is less than that required for sampling, the whole seized drug may be sent to FSL
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- Note- After the completion of necessary tests by the concerned laboratories, results of the same must be furnished to all parties concerned with the matter. {**Directions in Thana Singh (2013) 2 SCC 603**}



GSR 899E, dated 23<sup>rd</sup> December, 2022

– Narcotic Drugs and Psychotropic Substances  
(Seizure, Storage, Sampling and Disposal) Rules, 2022



## **CHAPTER - III (SAMPLING)**

- Each sample is to be kept in heat-sealed plastic bags or heat-resistant glass bottle/apparatus and then packed in paper envelope, sealed properly and marked as Original or Duplicate, as the case maybe and labelled properly.
- After certification of the samples by the Magistrate, the Original samples shall be sent to the CRCL/CFSL or State FSL for chemical analysis under the cover of Test Memo which shall be prepared in triplicate in Form -6.
- The original and duplicate of the Test memo is to be sent to the Lab along with the samples and the triplicate is to be retained in the case file.



GSR 899E, dated 23<sup>rd</sup> December, 2022  
– Narcotic Drugs and Psychotropic Substances  
(Seizure, Storage, Sampling and Disposal) Rules, 2022

## **CHAPTER - IV (DISPOSAL)**

**Pre Trial Disposal u/s 52A applicable to:**

**Seized:**

- Narcotic Drugs
- Psychotropic substance
- Controlled Substance
- Conveyances





GSR 899E, dated 23<sup>rd</sup> December, 2022  
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(Seizure, Storage, Sampling and Disposal) Rules, 2022

## CHAPTER - IV (DISPOSAL)

- Certified inventory, photographs and samples to be preserved for primary evidence.
- Officer-in-charge of PS or officer empowered under sec. 53 of the NDPS Act shall apply to the Magistrate under ss (2) of sec. 52A of the NDPS act in **Form-5** for disposal of seized drugs/substance/conveyance after receipt of chemical analysis report.
- Concerned officer to submit details of the seized drugs/items to the Chairman of the Drug Disposal Committee for a decision by the Committee on the disposal and the said officer shall also send a copy of the details along with the seized materials to the officer-in-charge of the godown.
- Officer-in-charge of the godown shall prepare a list of all the seized materials that have been certified under sec. 52A and submit it to the Chairman of the DDC.
- Upon being satisfied that provisions of section 52A of the NDPS Act have been fully complied, the DDC shall endorse necessary certificates to this effect and shall physically examine and verify the details of each of the seized materials.
- In case of conveyance, the Committee shall verify the engine number, chassis number and other details mentioned in the Panchnam and certify the inventory thereof.



GSR 899E, dated 23<sup>rd</sup> December, 2022



- Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022

## CHAPTER - IV (DISPOSAL)

- The DDC can order disposal of seized materials upto the quality or value as below:

Sl. No.	Name of item	Quantity per consignment
(1)	(2)	(3)
1.	Heroin	5 Kilogram
2.	Hashish (Charas)	100 Kilogram
3.	Hashish oil	20 Kilogram
4.	Ganja	1000 Kilogram
5.	Cocaine	2 Kilogram
6.	Mandrax	3000 Kilogram
7.	Poppy straw	Up to 10 Metric Tonne.
8.	Other narcotic drugs, psychotropic substances, or controlled substances	Upto a quantity of 500 Kilogram or 500 Litre
9.	Conveyances	Upto a value of Rs. 50 Lakhs:

- If the material to be disposed of is higher in quantity or value than those indicated in the table above, the DDC shall send its recommendation to the HoD, who shall order their disposal by a high-level DDC, specially constituted in this regard.



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## CHAPTER - IV (DISPOSAL)

- **Mode of Disposal:**
- Opium, Morphine, Codeine and Thebaine shall be disposed of by transferring them to the Govt. Opium and Alkaloid works under the Chief Controller of Factories.
- In case of drugs/substances other than those mentioned above, the Chief Controller of factories shall be intimated, by the fastest means of communication available, the details of the seized materials that are ready for disposal, who shall indicate within 15 days of the date of receipt of the communication, the quantities of drugs/substance, if any, that are required by him to supply as samples under rule 67B of the NDPS Rules, 1985. Any such requirement required shall be transferred to him and the remaining disposed accordingly.
- Narcotic drugs and Psychotropic substances/controlled substances which are in the form of formulations and labelled in accordance with the provisions of the Drugs and Cosmetics Act and rules, may be sold by way of tender or auction or in such manner as may be determined by the DDC, after confirming the composition and formulation from the licensed manufacturer. Provided that a minimum of 60% of the shelf life of the seized formulation remains at the time.



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(Seizure, Storage, Sampling and Disposal) Rules, 2022

## CHAPTER - IV (DISPOSAL)

### • Mode of Disposal:

- Narcotic drugs and Psychotropic substances/controlled substances which are in the form of formulations but without proper labelling shall be destroyed.
- Narcotic drugs and Psychotropic substances/controlled substances seized in bulk form may be sold by way of tender or auction or in such manner as may be determined by the DDC, to a person fulfilling the requirements of the Drugs and Cosmetics Act and rules/orders, after confirming the standard and fitness of the seized substances for medical purposes from the appropriate authority.
- Controlled substances having legitimate industrial use may be sold by way of tender or auction or in such manner as may be determined by the DDC to a person fulfilling the requirements of the Act and rules/orders made there under.
- Seized conveyance shall be sold by way of tender or auction as may be determined by the DDC.
- Narcotic drugs and Psychotropic substances/controlled substances which have no legitimate medical or industrial use or which is not found fit for such use or could not be sold shall be destroyed.
- The destruction shall be by incineration in incinerators fitted with appropriate air pollution control devices conforming to necessary emission standards. Consent of the State Pollution Control Board shall be obtained and the destruction shall be carried out in the presence of the members of the DDC



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## CHAPTER - IV (DISPOSAL)

### • Mode of Disposal:

- The DDC shall intimate the HoD regarding the proposed destruction at least 15 days in advance, so that, in case he deems fit, he may either himself conduct surprise checks or depute an officer for the same.
- After every destruction, the DDC Shall submit a detail report to the HoD.
- A certificate of destruction in **Form-7** shall be prepared in triplicate and signed by the DDC members. The original copy shall be pasted in the godown register, the duplicate to be retained in the case file and the triplicate copy shall be kept by the DDC.
- As and when seized drugs/substances is transferred to the Govt. Opium and Alkaloid Works, it shall issue a certificate in Form-8, acknowledging the receipt of such transfer.
- As and when the seized drugs/substance or conveyance is transferred to the Govt. opium and Alkaloid Works or sold by way of tender or auction or in a manner determined by the DDC, a certificate of disposal in Form-10 shall be prepared in triplicate and signed by the DDC. The original copy shall be pasted in the godown register, the duplicate to be retained in the case file and the triplicate copy shall be kept by the DDC.
- The HoD of each Central and State DLEA shall submit a quarterly report in Form - 11 to the NCB giving details of the destruction/disposal under section 52A of the NDPS Act.



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## CHAPTER - IV (DISPOSAL)

- **Drug Disposal Committee (DDC):** The head of Department of each Central DLEA and State DLEA to constitute one or more DDC comprising of 3 members each to be headed by an officer not below the rank of Superintendent of Police or Jt. Commissioner of Customs and CG&ST, Jt. Director of Revenue Intelligence or officers of equivalent rank. Such Committee to be directly responsible to the Head of the Deptt.



# DISPOSAL OF SEIZED NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

**Union of India Vs. Mohan Lal & Anr.**  
**2016(1) R.C.R.(Criminal) 858**

CRIMINAL APPEAL NO. 652 OF 2012,

January 28, 2016

“No sooner the seizure of any Narcotic Drugs and Psychotropic and controlled Substances and Conveyances is effected, the same shall be forwarded to the officer in-charge of the nearest police station or to the officer empowered under Section 53 of the Act. The officer concerned shall then approach the Magistrate with an application under Section 52A-(2) of the Act, which shall be allowed by the Magistrate as soon as may be required under Section 52A-(3), as discussed by us in the body of this judgment under the heading ‘seizure and sampling’. The sampling shall be done under the supervision of the magistrate as discussed in paras 13 and 14 of this order.”



THANK YOU

**Q & A**