

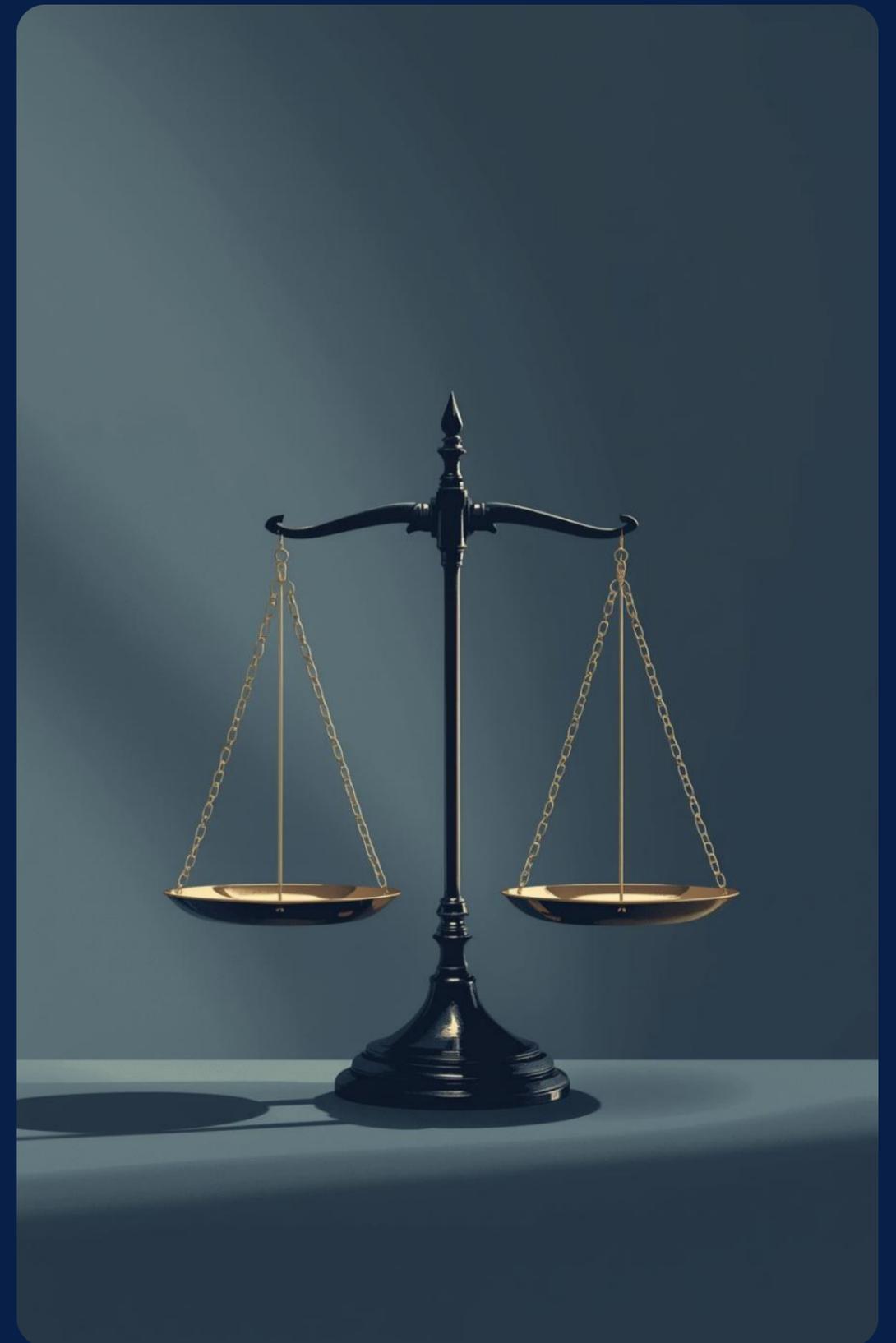
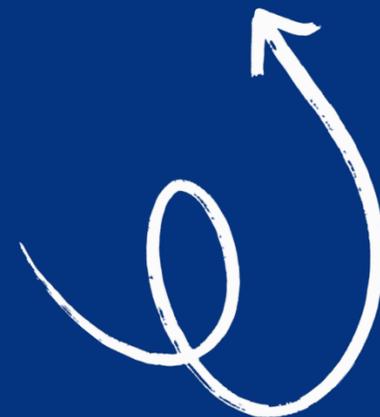
# DESTRUCTION OF SEIZED CONTRABAND IDENTIFICATION OF LAND IN POPPY CULTIVATION

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First of all it would be apposite to delve into the legislative history and purport of [section 52A](#) of the NDPS Act. Much before the enactment of [NDPS Act, 1985](#) the statutory control over narcotic drugs was exercised in India through number of scattered legislations like the Opium Act, 1857, the [Opium Act, 1878](#) and the Dangerous Drugs Act, 1930. With the passage of time and rampant increase in illicit drug trafficking and abuse of several substances, many deficiencies in the older legislations were noticed. This led to the enactment of the [NDPS Act. The Act](#) was enacted to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances, and to provide for the forfeiture of property derived from or involved in the illicit drug trafficking. [Section 52A](#) of the NDPS Act came into existence as part of the amendments made in 1989 following the original enactment of the [NDPS Act](#) in 1985.



## SEC. 52A OF THE NDPS ACT - DISPOSAL OF SEIZED NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

52A. Disposal of seized narcotic drugs and psychotropic substances. —(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.



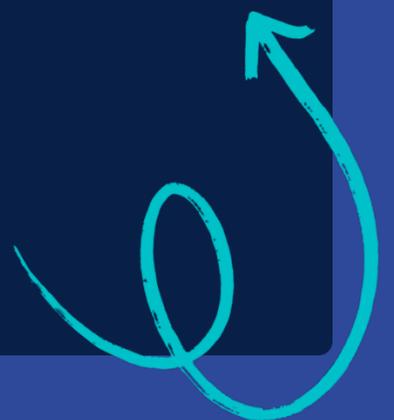
(2) Where any narcotic drugs, psychotropic substances, controlled substances or conveyances has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under [section 53](#), the officer referred to in sub-section (1) shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs, psychotropic substances, controlled substances or conveyances or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs, psychotropic substances, controlled substances or conveyances in any proceedings under this Act and make an application, to any Magistrate for the purpose of —

- (a) certifying the correctness of the inventory so prepared; or
- (b) taking in the presence of such magistrate, photographs of such drugs, substances or conveyances and certifying such photographs as true; or
- (c) allowing to draw representative samples of such drugs or substances, in the presence of such magistrate and certifying the correctness of any list of samples so drawn.



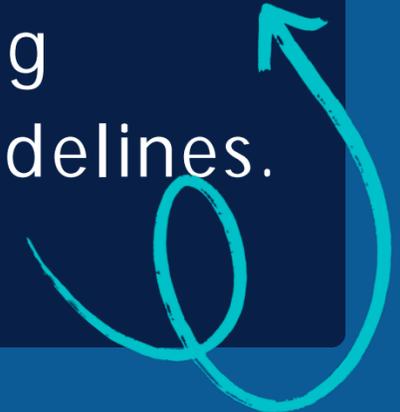
(3) WHERE AN APPLICATION IS MADE UNDER SUB-SECTION (2), THE MAGISTRATE SHALL, AS SOON AS MAY BE, ALLOW THE APPLICATION.

(4) Notwithstanding anything contained in the [Indian Evidence Act, 1872](#) (1 of 1972) 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, psychotropic substances, controlled substances or conveyances and any list of samples drawn under sub-section (2) and certified by the Magistrate, as primary evidence in respect of such offence.”



The destruction of seized contraband, particularly narcotic drugs and psychotropic substances in India, is a regulated process governed by Section 52A of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, subsequent guidelines from the Supreme Court, notably in *Union of India vs. Mohan Lal and the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022*. This process aims to ensure transparent, timely, and safe disposal to prevent theft, leakage, or re-circulation of seized drugs.

The Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 introduced by Notification G.S.R 899(E) dated December 23, 2022, issued by the Ministry of Finance (Department of Revenue). These rules were enacted to standardize the procedure for dealing with seized narcotic drugs, psychotropic substances, controlled substances, and conveyances, ensuring compliance with Section 52A of the NDPS Act, 1985, and Supreme Court guidelines.



## KEY ASPECTS OF THIS NOTIFICATION INCLUDE:

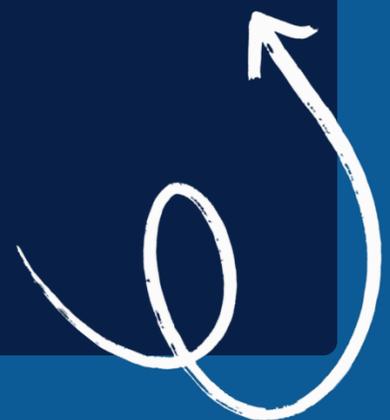
- Objective: To ensure swift, safe, and transparent disposal of seized drugs to prevent theft or substitution and address storage space constraints.
- Seizure and Packing (Rule 3): Seized materials must be packed in tamper-proof bags or containers, weighed, and labeled, with packing occurring in the presence of the suspect and witnesses.
- Storage (Rule 4): Authorized godown in-charges are responsible for storing seized items and maintaining detailed records.
- Sampling (Rules 9-11): Samples must be drawn in the presence of a Magistrate, and a certificate of disposal (Form-10) is required.
- Drug Disposal Committee (DDC) (Rules 18-21): Composed of senior officers (e.g., Zonal Director of NCB, Superintendent of Police), the DDC is responsible for the final disposal of the contraband.
- Pre-trial Disposal: The rules mandate the immediate disposal of seized drugs following the legal formalities under Section 52A.

The rules apply to all Drug Law Enforcement Agencies (DLEAs) empowered under the NDPS Act.



## 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.



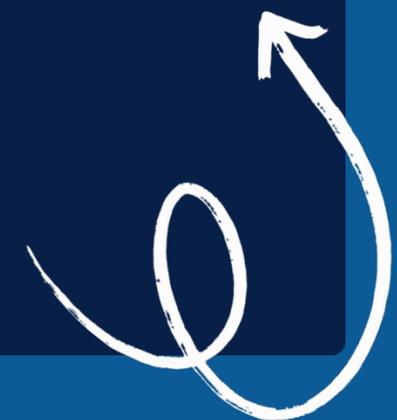
## Chapter - IV – Disposal

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

- Narcotic Drugs • Psychotropic substance •  
Controlled Substance • Conveyances

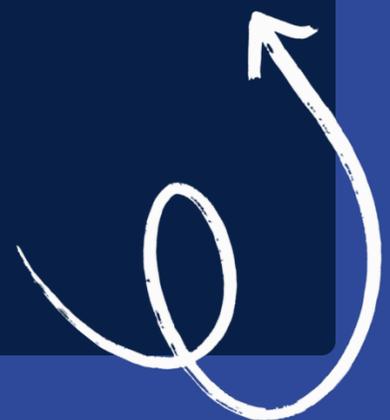
- Certified inventory, photographs and samples to be preserved for primary evidence.

- OFFICER-IN-CHARGE OF PS OR OFFICER EMPOWERED UNDER SEC. 53 OF THE NDPS ACT SHALL APPLY TO THE MAGISTRATE UNDER SUB-SECTION (2) OF SEC. 52A OF THE NDPS ACT IN FORM-5 FOR DISPOSAL OF SEIZED DRUGS/ SUBSTANCE/ CONVEYANCE AFTER RECEIPT OF CHEMICAL ANALYSIS REPORT.

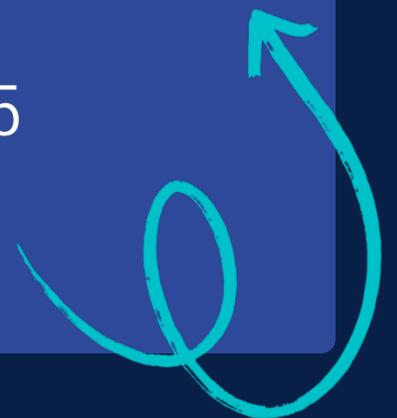


## MODE OF DISPOSAL:

- 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.



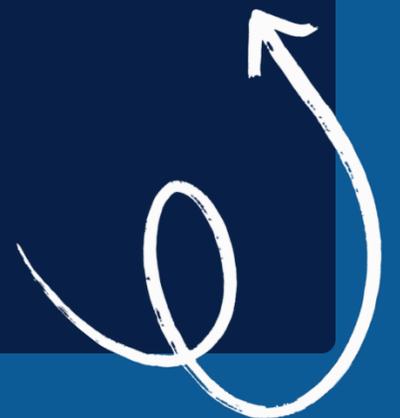
- Seized conveyance shall be sold by way of tender or auction as may be determined by the DDC.
- Narcotic drugs and Psychotropic substances/controlled substances which have no legitimate medical or industrial use or which is not found fit for such use or could not be sold shall be destroyed.
- The destruction 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
- 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.



## 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.

Based on recent judgments (2024–2025) from the Supreme Court of India, Section 52A of the NDPS Act—which governs the disposal of seized narcotic substances—has been clarified as a mandatory procedural safeguard, but non-compliance is considered a "procedural irregularity" rather than an "illegality" that automatically invalidates a trial.



## 1. Purpose of Section 52A

- **Safe Disposal:** It was introduced to ensure the safe, quick disposal of hazardous, bulky seized narcotics, preventing theft or tampering.
- **Primary Evidence:** It mandates that an inventory, photographs, and samples of seized drugs be certified by a Magistrate, which then constitute "primary evidence" in court.

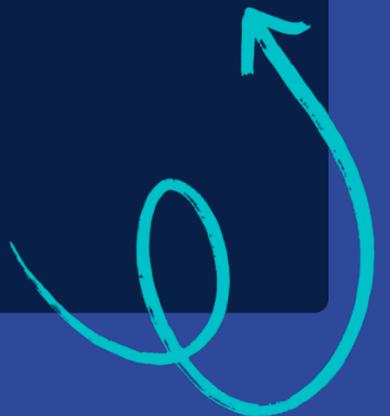
## 2. Is Compliance Mandatory?

- **Substantial Compliance:** The Supreme Court has clarified that while strict adherence to the procedure is ideal, substantial compliance is required. Mere non-compliance or delayed compliance with Section 52A is a "procedural irregularity" and does not automatically entitle an accused to bail or acquittal.



## Recent Developments and Compliance

- **Increased Destruction Volume:** In a major push, the Narcotics Control Bureau (NCB) and state agencies have significantly increased the disposal rate, with over 1.5 lakh kgs of drugs destroyed between June 2022 and June 2023, valued at over Rs 3,600 crore.
- **Strict Compliance Required:** The Supreme Court has highlighted that non-compliance with Section 52A, such as failing to get inventory certified by a Magistrate, can vitiate the trial.
- **Conveyance Disposal:** The rules also apply to vehicles or conveyances seized while transporting contraband, which can be disposed of by DDCs.
- **Other Contraband:** In addition to drugs, other illicit items like foreign-origin cigarettes and smuggled goods are disposed of, often through destruction, in compliance with customs regulations.



## Key Violations and Consequence

[KHET SINGH V. UNION OF INDIA](#), (2002) 4 SCC 380

[STATE OF PUNJAB V. MAKHAN CHAND](#), (2004) 3 SCC 453

[\( NOOR AGA V. STATE OF PUNJAB & ANOTHER.](#), (2008) 16 SCC  
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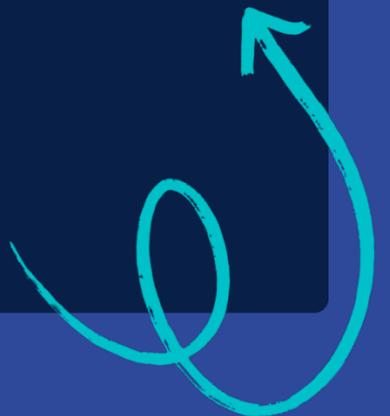
[UNION OF INDIA V. MOHAN LAL & ANR.](#), (2016) 3 SCC 379

[\( UNION OF INDIA V. JAROOPARAM](#), (2018) 4 SCC 334

[YUSUF @ ASIF V. STATE](#), 2023 SCC ONLINE SC 1328.)

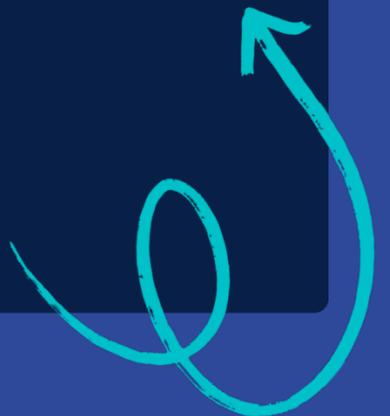
[MOHAMMED KHALID & ANR. V. STATE OF TELANGANA](#), (2024) 5  
SCC 393

[Narcotics Control Bureau v. Kashif](#), 2024 SCC OnLine SC 3848

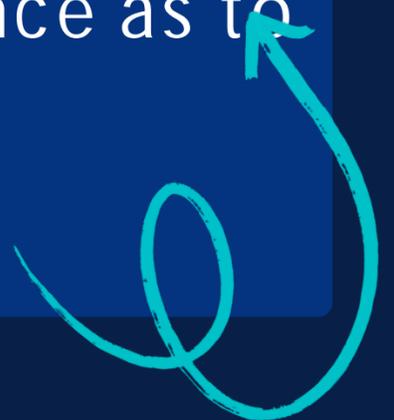


**Bharat Aambale v. State of Chhattisgarh, 2025 INSC 78, MANU/SC/0081/2025, 2025(2) ACR 171, 2025(2) BLJ 1, 2025(1) Crimes 137(SC), 2025 GLH(2) 357, 2025(1) RLW 757(SC), (2025)8 SCC 452, 2025(1) UC 213**

In *Bharat Aambale v. State of Chhattisgarh*, the Supreme Court of India observed that what is discernible from the various decisions referred to above, is that mere non-compliance of the procedure under [Section 52A](#) or the Standing Order(s)/Rules thereunder will not by itself render the trial vitiated or into an automatic acquittal. In all instances where the Court set-aside the order of conviction, it did so not solely for the reason that there was a violation of [Section 52A](#) but because of and on the strength of the other discrepancies or shortcomings in the prosecution's case that rendered it doubtful.



In [Jarooparam](#) (supra) the order of acquittal had been upheld as the independent witnesses had also turned hostile and not supported the case of the prosecution. Similarly, in [Mangilal](#) (supra) aside from the non-compliance of [Section 52A](#), the order of conviction was held unsustainable as some of the witnesses to the seizure either turned hostile or were not examined at all and due to discrepancies in the very case of the prosecution. In [Mohammed Khalid](#) (supra) also, the conviction was set-aside as the FSL report was found to be very doubtful and in complete contradiction of the seizure that had taken place. Thus, this Court whilst setting aside the order of conviction has consistently looked for something more than just a mere non-compliance of the procedure under [Section 52A](#) that renders the case of the prosecution doubtful. In [Noor Aga](#) (supra) the order of conviction had been set-aside not just on the ground of violation of [Section 52A](#) but due to several other discrepancies in the physical evidence as to the colour and weight, and due to the lack of any independent witnesses.



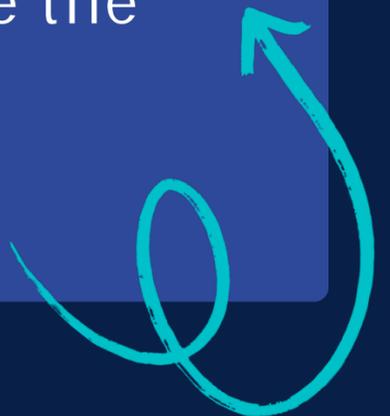
The only contention raised by the learned counsel appearing for the appellant is that the conviction could be said to have stood vitiated because of the non-compliance of [Section 52A](#) of the NDPS, Act by placing strong reliance on the decision of the Apex Court rendered in the case of [Union of India v. Mohan Lal & Anr.](#), (2016) 3 SCC 379 to make good his submission that non-compliance of [Section 52A](#) of the NDPS Act along with the relevant rules, would vitiate the entire trial and the conviction. It was observed by the Supreme Court of India in this case that non-compliance or delayed compliance with the procedure prescribed under [Section 52A](#) of the NDPS Act or the Rules/Standing Order(s) thereunder may lead the court to draw an adverse inference against the prosecution. However, no hard and fast rule can be laid down as to when such inference may be drawn, and it would all depend on the peculiar facts and circumstances of each case. Such delay or deviation from [Section 52A](#) of the NDPS Act or the Standing Order(s) / Rules thereunder will not, by itself, be fatal to the case of the prosecution, unless there are discrepancies in the physical evidence which may not have been there had such compliance been done.



We summarize our final conclusion as under: -

(I) Although [Section 52A](#) is primarily for the disposal and destruction of seized contraband in a safe manner yet it extends beyond the immediate context of drug disposal, as it serves a broader purpose of also introducing procedural safeguards in the treatment of narcotics substance after seizure inasmuch as it provides for the preparation of inventories, taking of photographs of the seized substances and drawing samples therefrom in the presence and with the certification of a magistrate. Mere drawing of samples in presence of a gazetted officer would not constitute sufficient compliance of the mandate under [Section 52A](#) sub-section (2) of the [NDPS Act](#).

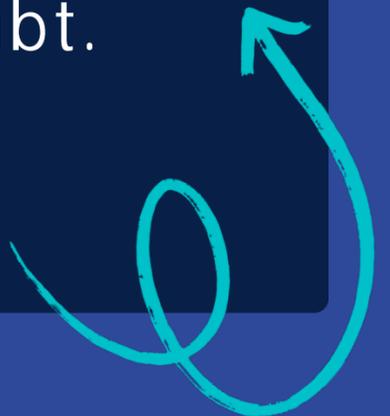
(V) Mere non-compliance of the procedure under [Section 52A](#) or the Standing Order(s)/Rules thereunder will not be fatal to the trial unless there are discrepancies in the physical evidence rendering the prosecution's case doubtful, which may not have been there had such compliance been done. Courts should take a holistic and cumulative view of the discrepancies that may exist in the evidence adduced by the prosecution and appreciate the same more carefully keeping in mind the procedural lapses.



(VII) Non-compliance or delayed compliance of the said provision or rules thereunder may lead the court to drawing an adverse inference against the prosecution, however no hard and fast rule can be laid down as to when such inference may be drawn, and it would all depend on the peculiar facts and circumstances of each case.

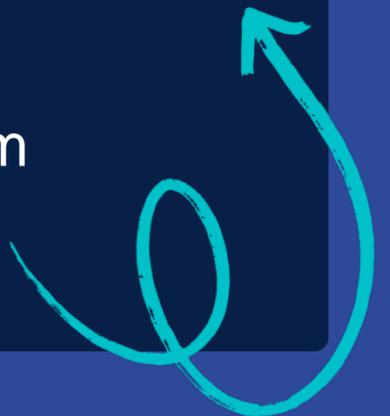
(IX) The initial burden will lie on the accused to first lay the foundational facts to show that there was non-compliance of [Section 52A](#), either by leading evidence of its own or by relying upon the evidence of the prosecution, and the standard required would only be preponderance of probabilities.

(X) Once the foundational facts laid indicate non-compliance of [Section 52A](#) of the NDPS Act, the onus would thereafter be on the prosecution to prove by cogent evidence that either (i) there was substantial compliance with the mandate of [Section 52A](#) of the NDPS Act OR (ii) satisfy the court that such non-compliance does not affect its case against the accused, and the standard of proof required would be beyond a reasonable doubt.

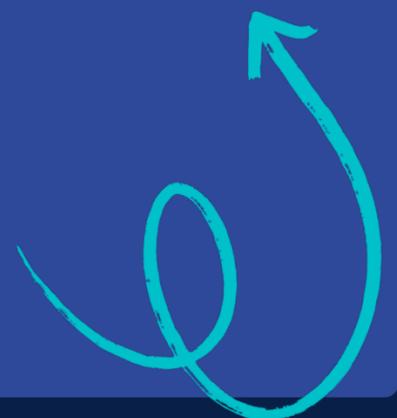


# IDENTIFICATION OF LAND UNDER POPPY CULTIVATION

- In India, the identification of land under opium poppy cultivation is split into two categories: licensed (legal) cultivation managed by the central government, and illicit (illegal) cultivation identified through intelligence, satellite imagery, and on-ground surveys.
- 1. Licit (Licensed) Poppy Cultivation
- Licensed poppy cultivation is permitted only in specific districts of three states: Madhya Pradesh, Rajasthan, and Uttar Pradesh.
- Identification Method: The Central Bureau of Narcotics (CBN) conducts a precise, individual measurement of every field to ensure it matches the license.
- Key Areas: Roughly 80% of legal cultivation is concentrated in Mandsaur district (Madhya Pradesh), and Chittorgarh and Jhalawar districts (Rajasthan).
- Regulation: Cultivators must meet a Minimum Qualifying Yield (MQY) and surrender all opium to the Government Opium and Alkaloid Works (GOAW).



- 2. ILLICIT (ILLEGAL) POPPY CULTIVATION
- ILLICIT CULTIVATION IS A SIGNIFICANT CHALLENGE, PARTICULARLY IN HILLY TERRAINS AND REMOTE AREAS, WITH A MAJOR HUB IDENTIFIED IN MANIPUR, AS WELL AS PARTS OF JAMMU & KASHMIR AND ARUNACHAL PRADESH.
- IDENTIFICATION & MONITORING TOOLS:
- SATELLITE IMAGERY: THE CENTRAL ECONOMIC INTELLIGENCE BUREAU (CEIB) USES SATELLITE IMAGERY (E.G., LISS-IV, SENTINEL 2A, LANDSAT 7) TO IDENTIFY UNAUTHORIZED POPPY FIELDS.
- DRONE RECONNAISSANCE: FOREST AND POLICE OFFICIALS USE DRONES TO SURVEY REMOTE HILLY TERRAINS, PARTICULARLY IN MANIPUR.
- GPS MAPPING: SPECIFIC COORDINATES OF ILLEGAL FIELDS ARE IDENTIFIED, SUCH AS THE 455 POINTS MAPPED IN MANIPUR BY THE MANIPUR REMOTE SENSING APPLICATION CENTRE (MARSAC).
- KEY LOCATIONS (ILLICIT):
  - MANIPUR: EXTENSIVE ILLEGAL FARMING OCCURS IN HILLY, REMOTE AREAS OF DISTRICTS LIKE KANGPOKPI, SENAPATI, CHURACHANDPUR, UKHRUL, AND KAMJONG.
  - Jammu & Kashmir: Cultivation is prevalent in Pulwama, Anantnag, Budgam, and Kupwara districts.



- DESTRUCTION OPERATIONS:
- COMPOSITE TEAMS OF POLICE, NCB, AND LOCAL AUTHORITIES CONDUCT "WAR ON DRUGS" CAMPAIGNS, OFTEN USING DRONES FOR SURVEILLANCE AND MANUAL DESTRUCTION.
- IN 2023-24, OVER 11,000 ACRES OF ILLEGAL CULTIVATION WERE DESTROYED IN MANIPUR ALONE.
  
- 3. KEY IDENTIFICATION CRITERIA
- TOPOGRAPHY: ILLEGAL, NON-LICIT, CULTIVATION OFTEN HAPPENS IN HIGH-ALTITUDE, REMOTE, AND FORESTED AREAS, PARTICULARLY IN THE NORTH EAST, MAKING DETECTION HARDER.
- PRE- AND POST-HARVEST IMAGERY: ANALYSTS COMPARE IMAGERY OVER MULTIPLE YEARS TO IDENTIFY CONSISTENT, HIDDEN PATTERNS, SUCH AS THE CLEARING OF FOREST LAND FOR NEW, SMALL, AND HIDDEN PLOTS.
- Agricultural Indicators: Illegal fields are often found in remote, terraced patches on forest slopes, and in some areas like Manipur, they are often located in close proximity to, or within, densely forested, protected areas.

# THANK YOU

Questions and Discussion

