

## POLICE CIRCULAR ORDER No. 303/2000

1. In pursuance of para 5.2 (V) of Standing Order No. 2/88 of the Narcotics Control Bureau, Department of Revenue, Ministry of Finance, Government of India, New Delhi regarding disposal of seized/confiscated narcotic drugs and psychotropic substances, a "Narcotic Drugs and Psychotropic Substances Disposal Committee" is hereby constituted with the following members to discharge the functions set out in the said Standing Order.

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|--------------------------------------|-----|----------|
| (i) D.I.G. of Police, C.I.D., C.B.   | ... | Chairman |
| (ii) S.P. (I), C.I.D., C.B.          | ... | Member   |
| (iii) S.P. of the District concerned | ... | Member   |

**N. B. :** - In respect of cases investigated by the C.I.D., C.B., the S.P. (II), C.I.D., C.B. will be member instead of District S.P.

2. The relevant portions of the Standing Order No. 2/88 of the Narcotic Control Bureau, Department of Revenue, Ministry of Finance, Government of India, New Delhi are extracted hereunder for general information of and compliance by all concerned.

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4.5 Since the early disposal of drugs assumes utmost consideration and importance, the enforcement agencies should obtain orders for pre-trial disposal of drugs and other articles (including conveyance, if any) by having recourse to the provisions of Section 451 of the Criminal Procedure Code, 1973 and those of the provisions of section 110 (IA) (IB) and (IC) of the Customs Act, 1962 read with Government of India's notification No. 31/86 Cus. (AS) dated the 5th February, 1986 issued in this behalf which specifies "Dangerous drugs and psychotropic substances".

4.6 While preferring the application under section 451 before the Court of Sessions immediately, emphasis may be laid on 'expediency of disposal'. The grounds that may be high-lighted may pertain to,

- (i) risk of pilferage, theft and substitution.
- (ii) high potential and vulnerability of abuse
- (iii) high temptations to traffickers
- (iv) diminution in the value of other articles (including conveyances) due to long storage etc.

4.7 Since the filing of charge-sheet/plaint is a condition precedent for expeditious issue of orders for pre-trial disposal, complaints by the respective enforcement agencies must be filed after completion of investigation within the stipulated period of 90 days of seizure/arrest on a priority basis. This should meticulously be adhered to.

4.8 While moving the application under section 451 of the Criminal Procedure Code as above, production of all seized/articles/drugs, etc., along with the panchanama (in original) and detailed inventory thereof is essential. The inventory should be complete in all respects and contain such particulars as may be relevant to establish nexus/identity of articles. The chemical analysis report should also be simultaneously filed.

4.9 After the court orders are passed for pre-trial disposal of drugs, those drugs which have no legitimate commercial value (excepting opium, morphine, codeine and thebaine, which are required to be transferred to the Government Opium and Alkaloid Works undertaking at Ghazipur or Neemuch, as the case may be) are required to be destroyed consistent with the guidelines issued under this order and not repugnant to the court's order.

5.0 As bulk of seizures of drugs relate to illicit import or export and are made at the points of entry or exit or in transit traffic, such drugs are liable to seizure under section 111 or 113 *ibid.* In such cases it would be appropriate to initiate proceedings under the Customs Act also.

5.2 A three member committee of the respective enforcement agencies (both Central and States), known as the Narcotics Drugs and Psychotropic Substances Disposal Committee will be headed by an officer not below the rank of:—

- (v) Deputy Inspector General of Police with two members of the rank of Superintendent of Police in respect of State Police Organisation; and
- (vi) Deputy Commissioner of Excise with two officers of the rank of Assistant Commissioners in respect of State Excise Organisation.

The Committee will be directly responsible to the Head of the Department concerned.

5.3 The functions of the Committee will be to

- (a) undertake detailed analysis of drugs pending disposal
- (b) advise the respective investigating officers/supervisory officers on the steps to be initiated for expeditious disposal.

The Committee will meet as frequently as possible as may be considered necessary for quick disposal of drugs and atleast once in two months. While the Central agencies will endorse a copy of the minutes of such meetings directly to the Narcotics Control Bureau, the State enforcement agencies concerned will report the same to their respective State Police Headquarters (CID), who in turn will keep the Narcotics Control Bureau informed of the progress made from time to time.

5.4 The officers-in-charge of godowns will prepare a list of all such drugs that have become ripe for disposal (the drugs become ripe for disposal after they are confiscated by the competent court or the competent authority of the Customs on expiry of the period of appeal or when ordered by the court for disposal under section 451 of the Cr.P.C. 1973 or section 110-(I-C) of the Customs Act, 1962) to the Chairman of the respective drug disposal committee. After examining that they are fit for disposal and satisfying that they are no longer required for legal proceedings and the approval of the court has been obtained for the purpose, the Members of the respective drug disposal committees will endorse necessary certificates to this effect. The committee will thereafter physically examine and verify the drug consignments with reference to the seizure report and other documents like chemical analysis, etc., including its weightment and record its finding in each case.

5.5 In the case of tampering with the seal, etc., the composite sample will be drawn for getting the same tested by the Central Revenue Control Laboratory or the State Forensic Science Laboratory/State Drug Control Laboratory concerned. If no variation

either in purity or quantity is found, the same will be ordered for destruction by the Department. Where any minor variations are noticed, a detailed report should be submitted to the Head of the Department of the enforcement agency concerned. In the case of wider variation the matter should be immediately reported to the Narcotic Control Bureau indicating the follow-up action taken in this regard. The destruction of drugs in such cases can be done only after obtaining the orders of the Head of the Department concerned.

5.6 The Committee will be empowered to order destruction of the seized drugs in the following cases :

<i>Name of drug</i>	<i>Quantity (Kgs.)</i>
Heroin	2
Hasish (Charash)	50
Hashis oil	10
Ganja	500
Cocaine	1
Mandrax	150
Other drugs	upto value of Rs. 5 lakhs

The disposal Committee should intimate the Head of the Department concerned the programme of destruction (giving complete details) in advance (atleast 15 days before the date of destruction), so that, in case he deems fit, he may either himself conduct surprise checks, or depute an officer for conducting such surprise checks. The disposal Committee should inform the respective Heads of Departments in respect of every destruction made by it indicating the date of destruction, quantities destroyed, etc.

In those cases where the quantities exceed the above limits, destruction could be ordered and take place only **under the supervision by the Head of the Department himself alongwith the Chairman and Members of the Drug Disposal Committee.**

5.7 All drugs excepting opium; murphine, codeine and thebaine shall be destroyed by incineration in such places where adequate facilites and security arrangements exist for the same after ensuring that this will not be a health hazard from the point of view of pollution.

5.8 A Certificate of destruction (in triplicate) (Annexure-VI) containing all the relevent data like godown entry no., file no., gross and net weight of the drugs seized, etc., shall be prepared and duly endorsed by the signature of the Chairman as well as the Members of the Committee. This could also serve the purpose of the panchanama. The original copy will be pasted in the godown register after making necessary entries to this effect, the duplicate to be retained in the seizure case file and the triplicate copy will be kept by the Disposal Committee.

6. The procedure as outlined in section II of the Opium Manual (Vol. III) will continue to apply for drugs like opium, morphine, codeine and thebaine. Disposal of poppy straw shall continue to be regulated by the procedure as stipulated by the respective State Excise Department in this behalf.

7. Other goods (including conveyance) ripe for disposal may be disposed of by public auction or in such manner as is deemed convenient in the best interest of Government.

**ANNEXURE—VI**  
**(Para 5.8)**

*IN TRIPLICATE*

**CERTIFICATE OF DESTRUCTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES**  
**(PARA 9, 10 OF THE STANDING ORDER NO. 2/88 OF NARCOTICS CONTROL BUREAU)**  
**DETAILS OF THE DRUGS AND SUBSTANCES DESTROYED**

Particulars of the drugs	Seizure/case file ref. No.	Godown register entry No.	As recorded in the godown register		Weight ascertained on physical verification		Name and addresses of the witnesses	Date/Place/Mode of destruction
			Gross weight	Net weight	Gross weight	Net weight		
1	2	3	4(a)	4(b)	5(a)	5(b)	6	7

It is certified that a Committee consisting of S/Shri ..... supervised the destruction of narcotic drugs and psychotropic substances particularised above, in the presence of following witnesses. (delete whatever is not applicable)

Signature with date

Signature with date

Signature with date

(CHAIRMAN)

(MEMBER)

(MEMBER)

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3. Wherever the word "Godown" occurs in the above Standing Order, it may be construed as Court/Police Malkhana in its application to the Orissa Police.

Sd/- S. K. Chatterjee

14.7.2000

D. G. & I. G. of Police, Orissa  
Cuttack