

ODISHA POLICE
SPECIAL TASK FORCE
BHUBANESWAR

POLICE CIRCULAR ORDER NO. 335 /2013

Sub: Disposal/Destruction of seized Narcotic Drugs and Psychotropic Substances

Huge quantities of seized Narcotic Drugs and Psychotropic Substances are pending disposal /destruction in the state. The following procedure is hereby laid down for quick disposal of these seized contraband articles.

A Deputy Supdt. of Police / Asst. Commissioner of Police of each police district who is one of the members of the Drug Disposal Committee of the district as per PCO-10/2012, will act as the Nodal officer for the purpose of disposal/destruction of seized Narcotic Drugs and Psychotropic Substances of the district. He will ensure quick pre trial as well as post trial disposal /destruction of the seized contraband articles of the district. He shall collect the list of all NDPS cases pending trial and also cases in which though trial has been completed, but seized Narcotic Drugs and Psychotropic Substances are pending disposal from the concerned courts of the district. Thereafter he will communicate the list of such cases to the officers-in-charge of the concerned police stations.

For disposal of seized substances, the following procedures shall be followed.

(A) **Pre trial disposal /destruction of seized Narcotic Drugs and Psychotropic Substances.**

- 1) Soon after collecting the list of all NDPS Cases of the district pending trial in which seized Narcotic Drugs and Psychotropic Substances are pending disposal from the concerned district courts, the Nodal officer of the district shall communicate the same to the Officers-In-Charge of the concerned Police stations to initiate proceedings for disposal / destruction of the seized articles,

as per procedure laid down in Notification dtd.10.05.2007 of the Ministry of Finance, Department of Revenue, Govt. of India. The copy of the said Notification has been annexed to Police Circular Order No 10/2012, vide Memo No 206/CID(EN) dated 29.05.2012.

- 2) The officer-in-charge of the concerned police station shall prepare an inventory of the seized Narcotic Drug or Psychotropic Substance of the case available in Police Station Malkhana /Court Malkhana (with permission of the concerned court) as per Annexure-I of the Notification and shall apply to the concerned magistrate under sub-section (2) of section 52(A) of NDPS Act,1985, as per Annexure-2 to the Notification.
- 3) After allowing the application under sub-section (3) of section 52(A), the magistrate, as per legal provision, will certify the correctness of the inventory. Photographs of the Narcotic Drug or Psychotropic Substance of the case shall be taken in presence of the magistrate who will certify such Photographs as true. Representative samples will be drawn in presence of the magistrate who will certify the correctness of the list of samples so drawn. The certificate issued by the Magistrate as per the proforma enclosed with the Notification vide Annexure-I shall be kept on record. Such certified inventory, photographs and samples shall be preserved in the court Malkhana/Police station Malkhana as primary evidence for the case for all legal purposes.
- 4) Thereafter, the Officer -In-Charge shall submit details of drug consignment of the case, excluding samples, to the Chairman of the Drug Disposal Committee, taking into account the quantity of the Drug as per point 4.1.3 of the Notification for disposal.
- 5) After examining the list of the drugs and after being satisfied that the Drugs mentioned therein are fit for disposal and are no longer required for legal proceedings and the order of the court has been obtained for the purpose, the Drug disposal committee shall physically examine and verify the weight and other details of the consignment with reference to the seizure list, chemical analysis

report and other documents and record its findings. Then the committee shall order disposal of the consignment of the case. The committee shall intimate the Additional DGP/CID -Crime regarding the programme of destruction at least 15 days in advance, so that, in case he deems fit, he may either himself conduct surprise check or depute an officer for conducting such surprise check.

- 6) Thereafter the Drug consignment of the case, excluding the samples, will be transported from the Police Station Malkhana/court Malkhana to the place of destruction under proper escort. Proper care must be taken to avoid pilferage/loss /theft of the Drugs during transit.
- 7) At the place of destruction, the Drug Disposal Committee shall also verify the correctness of the consignment. Destruction shall be taken up strictly in accordance with guidelines enumerated in letter No.24541/IND-IV-Misc.-231 dtd.17.12.2012 of Member Secretary, State Pollution Control Board, Odisha (copy enclosed).
- 8) A person having technical knowledge of Narcotic Drugs and Psychotropic Substances shall be present during destruction. For the purpose, the Drug Disposal Committee shall place requisition with the Director, State Forensic Science Laboratory well in advance, who shall depute a Scientific Officer of District Forensic Science Laboratory or a Scientific Officer/Asst. Director/Dy. Director of Regional Forensic Science Laboratory or State Forensic Science Laboratory for the purpose.
- 9) After the destruction, a certificate of destruction (in triplicate) shall be prepared and signed by the chairman and members of the Drug Disposal Committee as per the format at Annexure-3 to the Notification. The original copy shall be pasted in the Malkhana register after making necessary entries to the effect, the duplicate shall be retained in the original case record and the triplicate will be kept by the Drug Disposal Committee.
- 10) After the destruction operation, the Drug Disposal Committee shall submit a report to Additional DGP/CID-Crime, giving details of destruction.

11) Pre trial disposal also includes disposal of Drugs of cases in which trial is continuing.

12) After the trial of the case is over, the sample of the Drug consignment will be destroyed in accordance with the orders of the Hon'ble court as per the above noted procedure.


(B) Post trial disposal /destruction of seized Narcotic Drugs and Psychotropic Substances.

Post trial disposal relates to drugs of cases in which trials have been completed and orders of disposal of the Drugs have been passed in the Judgment. In accordance with the orders of the Hon'ble court, the seized drugs of the case will be disposed off. The Nodal officer or the Officer-In-Charge of the concerned police station will obtain the certified copy of the order of disposal of the Hon'ble court relating to the seized drugs of the case. The Nodal officer or the Officer-In-Charge shall submit details of the entire drug consignment of the case along with a copy of the court's order to the concerned Drug Disposal Committee.

There after the procedure of pre trial disposal as described above, vide Para -5 to 10, shall be followed.

Enclosure:

1. Copy of letter No. 24541/IND-IV-Misc.-231
Dated 17.12.2012 of the Member Secretary,
State Pollution Control Board, Odisha.


DG & IG of Police
Odisha, Cuttack

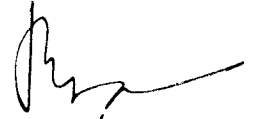
Memo No. 129 /STF

Date 19 12.2013

Copy forwarded to:

- All District SsP including SsRP, Rourkela & Cuttack/DCsP. Cuttack & Bhubaneswar
- SsP CID, CB, Cuttack/SP, EOW, Bhubaneswar
- All Range IsGP / DIsGP / IGP, Railways, Cuttack / Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar

for information and necessary action please.


19/11/2013
(B.K.Sharma)
ADG/CID-CB

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Email : paribesh1@dataone.in
Website : www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

(Department of Forest & Environment, Govt. of Odisha)
Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII
Bhubaneswar -- 751012

No. 23581 / Ind-IV-MISC-231

Date 17.12.12

To,

Mr. Y. B. Khurania,
IGP/CID-CB,
Criminal Investigation Department,
Buxi Bazar,
Cuttack -- 753 001.

Sub : Disposal of Narcotics Drug and Psychotropic Substances seized by Police.

Ref: Our letter No.23581/Ind-IV-Misc.231, Dt.29.11.2012,
Your letter No.954/CID-STF, DT.06.12.2012.

Sir,

With reference to the above, the proposal for avoidance of long distance transport of seized narcotics drugs and psychotropic substances was considered by the Board. As per the provision of Bio-medical Waste (Management and Handling) Rules, 1998 narcotics drug such as Heroin and Brown sugar, shall be treated as drugs and can only be incinerated in the common Bio-medical Waste incinerator of M/s Sani Clean Pvt. Ltd. located at Tangiapada, Khurda which has been authorized by the Board for this purpose.

However, to avoid long distance transportation other substance such as, Ganja, Cannabis, Opium, Poppy Husk, Bhanga etc. can be burnt in nearby boilers of any industry which operates at about 1000°C. The brick kilns in our state usually do not have any control mechanism to clean gaseous substance and emits untreated smoke. In the worst case, if no boilers are available within a reasonable distance, then it is advisable that, this can be burnt in a fixed chimney brick kilns in such a manner that the bulk of these substance (i.e Psychotropic Substances like Ganja, Bhang etc.) should not be more than 5% of the total fuel (coal) fed to the kiln. However, under no circumstances it should be burnt in moving chimney kiln or clamp kiln.

Under no circumstances, it is advisable to burn the narcotic drugs like Heroine and Brown Sugar in any boiler or brick kilns.

Yours faithfully,


MEMBER SECRETARY