

IN THE COURT OF THE SPECIAL JUDGE (NDPS ACT CASES), VATAKARA

Present:-Sri. Biju V G, Special Judge (NDPS Act Cases)

Saturday, the 1st day of November, 2025

CRIMINAL MISCELLANEOUS PETITION No: 1958/2025

(Crime No.738/2025 of Kozhikode Town Police Station)

Between:

Afam K T, Aged 24 Years Old, S/o Abdul	]	Petitioner/
Majeed, P P House, Francis Road, Parappil PO,	]	Accused
Kozhikode		

And :

State of Kerala, Represented by Station	]	Respondent/
House Officer, Kozhikode Town Police	]	Complainant
Station		

This petition coming on this 1st day of November, 2025 for final hearing before me upon perusing the petition and upon hearing the arguments of Sri. P P Sunil Kumar Advocate for Petitioner/Accused and of Addl. Public Prosecutor on behalf of the State and having stood over to this day for consideration, the court passed the following:

ORDER

The petition is filed by the petitioner under Rule 14 of the NDPS Act (Seizure, Storage, Sampling and Disposal Rules) 2022.

2. The petitioner is the accused in the above crime registered for offence punishable u/s.22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. The petitioner was arrested on 14.10.2025 and produced before the Judicial First Class Magistrate on 15.10.2025 and he was remanded to judicial custody.

4. The prosecution case is that about 20 hours on 14.10.2025, the accused was found in conscious possession of 30.270 gram of MDMA kept in the 'PP House' of accused at Francis road, Nagaram amsom, Kozhikode Taluk. The accused possessed MDMA in violation of section 8 (c) of the NDPS Act. Thus the accused committed the above mentioned offence.

5. The case of the petitioners is that he is innocent of the offence alleged against him. The seized contraband is not MDMA, it is methamphetamine. Though the contraband was sent to the Regional Chemical Examiner's Laboratory, the report is not received till date. To prove the innocence of the accused, the report of the forensic lab is necessitated. Hence the petition is filed for getting the chemical analysis report expeditiously.

6. Heard learned counsel for the petitioners.

7. As per Rule 14 of the NDPS Act (Seizure, Storage, Sampling and Disposal Rules) 2022, the chemical laboratory is bound to complete the examination and forwarded the report to the court within a period of 15 days. In this case, the sample of the contraband was forwarded to the Regional Chemical Examiner's Laboratory on 16.10.2025 vide receipt No.7180/25/KKD/NR. The time for

completing the examination of sample and forwarding the report of chemical analysis to this court as per the abovesaid rules elapsed on 31.10.2025.

8. In the decision in Anuraj v. State of Kerala (2014 (4) KHC 68), the Hon'ble High Court considered the scope of the expeditious testing of the seized substances and held that accused has a right to seek expeditious testing of the contraband within the time stipulated under Rule 14 of the NDPS Act (Seizure, Storage, Sampling and Disposal Rules 2022). Even if the quantitative analysis requires longest time, as per the proviso to Rule 14, the maximum period for submitting the chemical analysis report is 30 days. That period is also over. Now the petitioner is in custody for 17 days. Hence it is highly necessary to give direction to the Regional Chemical Examiner's Laboratory to forward copy of the chemical analysis report within a period of 7 days.

In the result, the petition is allowed. The Regional Chemical Examiner's Laboratory, Kozhikode is directed to submit the copy of the chemical analysis report within 7 days from the date of receipt of this order.

(Pronounced by me in open court, this the 1st day of November, 2025)

Sd/-
Special Judge (NDPS Act cases)

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SHERISTADAR