



ORDER BELOW EXH.21 IN
SPL.NDPS CASE NO.1 OF 2023
UNION OF INDIA VS. HARISH PANIGRAHY & ANR.
(CNR No.MHPU140045772023)

By this application, the prosecution being Narcotic Control Bureau, Mumbai Zonal Unit, applied for inventory of the conveyance-vehicle used in the offence and certification thereof. The vehicle is Volkswagen Polo Car No.OR-07-U-7200, in which 54 K.Gs. of brown coloured dry leaves with flowering and fruiting top of Cannabis believed to be Ganja/Marjuana, was found and detained. Charge-sheet is filed in the matter. Two accused were arrested. The application is made under Section 52A of The Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS' Act).

2) The accused objected by filing say at Exh.29, that prosecution is attempting to fill-up lacuna which cannot be cured belatedly. The rights of accused are protected. Inventory was already conducted on 22.08.2022. There is delay of three years in moving application. It would prejudice right of fair trial. Accused submitted to reject the application.

3) Heard Ld. APP for State and Ld. Advocate for accused.

4) Section 52A under which the present application is moved, runs as under:

“[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 5[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 1[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.”

5) In the instant case, a Certificate dated 22.08.2022 under Section 52A of NDPS Act is filed regarding the 54 K.Gs. of

ganja, which is issued by Judicial Magistrate, Daund. However, it appears that the inventory and certification of vehicle used in the offence has not been sought by the Investigating Officer at the relevant time. Now, present application is moved on 04.12.2025, seeking such inventory and certification. As per the provisions of Section 52A(2) enumerated above, it is for the I.O. to apply to concerned Magistrate for certifying the correctness of inventory and taking in the presence of Magistrate photographs of conveyance, and the Magistrate under Section 52(3) shall as soon as may be allow the application. Thus, it appears that the I.O. failed to apply before Ld. Magistrate after seizure of the said vehicle for certification which is now belatedly sought from this Court where charge-sheet is filed being the Special Court to try such offences. Therefore, as provided under Section 52A(2), the I.O. shall take appropriate legal recourse. Accordingly, the following order:

ORDER

Application Exh.21 is hereby disposed of with liberty to the Investigating Officer to take appropriate legal recourse as provided under Section 52A(2) of the NDPS Act.

Date :- 03.06.2026

Special Judge,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word to word as per original Order.

Name of Stenographer	:	V.B. Lalsangi, Stenographer (G-1)
Court Name	:	Special Judge, Baramati, Dist. Pune.
Date of Order	:	03.06.2026
Order signed by		
Presiding Officer	:	03.06.2026
Order uploaded on	:	03.06.2026