

In the Court of the Additional District Judge/ Presiding Officer,
Special Court under Essential Commodities Act, Thanjavur,
Present : Thiru. G. Sundararajan, B.Sc., B.L.,
Additional District Judge/ Presiding Officer.

Special Court under Essential Commodities Act, Thanjavur,
Wednesday, 11th day of March 2026.

2057 Thiruvalluvarandu – Visvavasu Year Maasi Thingal -27th day.

CrI.M.P. - 1802/2026

in

Crime No.283/2023

State represented by
The Inspector of Police,
S.Keerthivasan,
Kudavasal Police station
in Cr.No. 283/2023

... Complainant.

..Vs..

Ilaiyaraja,
S/o.Balusamy

... Accused

ORDER

This Petition filed by the complainant/seizing officer for disposal of seized Contraband substances u/s 52(A) of NDPS Act.

2) The Petitioner is the seizing officer, who seized the Contrabands from the accused and produced before this court in NDCP No.161/2023. The Sample Ganja was subjected for Chemical analysis and the chemical report resulted as the seized contraband is of Ganja. Now, the petitioner/Seizing officer come forward with this petition to dispose the seized Ganja as provided u/s 52(A) of NDPS Act.

3) At this juncture, it is appropriate to incorporate the provisions of sec. 52(A) of NDPS Act.

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 or psychotropic substances 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.

4) As per sub section 2 of sec.52(A) of NDPS Act mandates a competent officer to prepare an inventory of such narcotic drugs with adequate particulars. This has to be followed through an appropriate application to the Magistrate concerned for the purpose of certifying the correctness of inventory, taking relevant photographs in his presence and certifying them as true or taking drawal of samples in his

presence with due certification. But in this case, the complainant/seizing officer himself has taken the sample from the seized contraband at the occurrence place and the seized contraband along with the sample ganja were produced before this court and the Sample Ganja was also subjected for Chemical analysis and the chemical report resulted as the seized contraband is of Ganja. So, again taking of sample from the seized contraband would not serve the object and the purpose of the provision u/s.52(A) of NDPS Act. However, the request of the seizing officer for the disposal of property would be considered, since the seized contraband is of hazardous nature. So, the seizing officer is hereby permitted to take photographs of the seized contraband produced in this case in NDCP.No. 161/2023 before this court. After taking the photographs of the seized contraband, the photographs has to be verified with the seized contraband and thereafter, the seized contraband is ordered to be handed over to the seizing officer for disposal as requested.

5) In the result, this petition is partly allowed, the seizing officer is hereby permitted to take photographs of the seized contraband produced in this case in NDCP.No. 161/2023 before this court. After taking the photographs of the seized contraband, the photographs has to be verified with the seized contraband and thereafter the seized contraband is ordered to be handed over to the seizing officer for disposal as requested u/s. 52(A) of NDPS Act.

This order was dictated to the Steno typist by me, who directly typed into computer and printed out by her, corrected and pronounced by me in the open Court, today 11th day of March 2026.

Additional District Judge/ Presiding Officer.
Special Court under Essential Commodities Act.
Thanjavur.