

T.R. Case No. 09 of 2023

Order No. 09 dated: 27-09-2024

As I see that O/C Shamilar G.R.P.S had filed one petition dated 17-09-2024 in which he prayed for necessary judicial order allowing him to dispose the exhibits of this case namely the seized materials.

The above prayer of the O/C Shamilar G.R.P.S is moved by the Ld. Public Prosecutor praying for the above order so that the seized materials of the case be allowed to be disposed of mainly with the permission of this court.

Considered the above prayer of the prosecution. While considering the above prayer of the prosecution seeking the judicial order in the form of permission to allow them to dispose the seized materials of this case, this court likes to observe that the above order or permission as sought to be obtained from this court cannot be given by this court in view of the legislative provision as contained U/s 52A of the N.D.P.S Act.

Section 52A of the N.D.P.S Act is a self-contained legislative provision in this behalf which solely deals with the issue of the matter of disposal of the seized materials wherein entire procedure has been delineated as to how and the manner in which the seized materials be disposed of. The above provision has provided the manner in which the seized materials be disposed of through the direction of District Drug Disposal Committee who will take the final decisions.

However, before proceeding to dispose the seized materials, the seized materials which are sought to be disposed of must be certified by a Magistrate as regards the correctness of the inventory of the said materials and the said prayer seeking to get the seized materials to be certified under inventory to be prepared must be made before the concerned designated Ld. Judicial Magistrate who will certify the correctness of the inventory and with that certification of the Ld. Magistrate, the prayer be made before the District Drug Disposal Committee which authority will pass necessary direction as to manner and mode in which the said seized materials be disposed of.

Therefore, the above issues seeking the permission of this court must not be dependent on any order from this court.

With that observation, the above prayer of the officer seeking permission from this court in the form of judicial order is disposed of.

Let a copy of this order be sent to the O/C, Shamilar G.R.P.S for his information and necessary guidance.

Dict & corrected by me

Judge, Spl. Court under NDPS Act

**Judge, Special Court under NDPS
Act, 3rd Court, Howrah.
JO Code No. WB00787**