

State Versus Darshan Singh

Application for Disposal of Bulk Parcel i.e. Seized Narcotic Drugs and Psychotropic Substances u/s 52-A(2) of NDPS Act, 1985

Present:- SI Rajwant Singh SHO, P.S. City Faridkot, along with
APP for the State.

1. An application for disposal of case property i.e. Seized Narcotic Drugs and Psychotropic Substances has been filed today by SHO Police Station City Faridkot which is forwarded by Ld APP for the state.

2. In support of application, concerned SHO made statement that challan had been presented in the court in the present matter. During pendency of trial, accused became proclaimed offender. Sufficient efforts were made to arrest the accused/ proclaimed offender namely Darshan Singh, but he is still at large. His arrest may take considerable time. In the present FIR, he was the only accused. Samples were drawn by Investigating Officer and sent to FSL, as in the year 2010, there was no law to conduct the inventory proceedings before the Court of Magistrate. Case property alongwith sample seal were again handed over to the police for deposit in judicial malkhana. Copy of the order is Mark 1. FSL report has already been produced before the Court with challan. In the list Mark 2, as to bulk parcel and representative parcel lying with the malkhana, the present case is mentioned at Sr. no.5. Case property of the present case is lying in Centralized Malkhana and judicial file has already been consigned to record room. Necessary order may be passed regarding disposal off case property, as per NDPS rules. He also stated that his statement on above facts in the case is correct and if it is found to be false with respect to any aspect, he will be responsible for that.

3. Learned Additional Public Prosecutor has also given statement that he has no objection, if the application is allowed.

4. I have heard learned Additional Public Prosecutor and SHO in

person and gone through the record.

5. The disposal order has been sought for the disposal of the contraband. As contended by learned APP, the applicable rules are the standing order 1/-89 dt.13.06.1989 and Notification G. S. R38 (E) dated 16/01/2015, section 52 2A of the NDPS Act, 1985.

Further Hon'ble Supreme Court of India in case titled as Union Of India versus Mohanlal & Another reported in 2016 (2) CRIMINAL CC 580 ; while dealing with the aspect of the disposal of such property had observed in paragraph No. 17 and 18 of the judgment as under:

'17. Section 52A as amended provides for disposal of the seized contraband in the manner stipulated by the Government under Clause 1 of that Section. Notification dated 16th January, 2015 has, in supersession of the earlier notification dated 10th May, 2007 not only stipulates that all drugs and psychotropic substances have to be disposed off but also identifies the officers who shall initiate action for disposal and the procedure to be followed for such disposal. Para 4 of the Notification interalia, provides that officer-in-charge of the Police Station shall within 30days from the date of receipt of chemical analysis report of drugs,psychotropic substances or controlled substances apply to any Magistrate under Section 52A(2) in terms of Annexure 2 to the said Notification.18. Sub-para (2) of Par a (4) provides that after the Magistrate allows the application under sub-section (3) of Section 52A, the officer mentioned in sub para (1) of Para (4) shall preserve the certified inventory, photographs and samples drawn in the presence of the Magistrate as primary evidence for the case and submit details of seized items to the Chairman of the Drugs

Disposal committee for a decision by the Committee on the question of disposal.....’

6. Keeping in view the statements of SHO, learned Additional Public Prosecutor, material on record and the applicable law, the application is allowed and bulk parcels of the aforesaid case are ordered to be handed over to the Drug Disposal Committee for its disposal in accordance with law, after drawing samples (including representative sample) by following due procedure of law.

7. SHO concerned is also directed to make proper photography/video-graphy of the proceedings/process while disposing of the case property and same be kept in safe custody to be produced as and when required. It is further made clear that the SHO concerned will be personally responsible for keeping the representative sample/second sample parcel intact till the decision of the appeal by the Hon’ble High Court and or by the Hon’ble Supreme Court. The application stands disposed of accordingly. Copy of the order be provided to the SHO concerned. Papers are ordered to be consigned to the Record Room, Faridkot.

Date of Order: 22.04.2026

(Kiran Bala)
Judge, Special Court,
Faridkot, UID No. PB0147