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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.A. 457/2003

PRAMAJIT SINGH

..... Appellant

Through: Mr. Sunil Mehta, Advocate

versus

NARCOTICS CONTROL BUREAU

..... Respondent

Through: Mr. Subhash Bansal, Standing
Counsel for NCB with Mr. Shashwat
Bansal, Advocate.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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25.04.2017

Crl. M.A. No. 19107/2012 (Disposal of case property)

By this application the respondent seeks directions of this court under Section 63(1) of NDPS Act, for disposing of the vehicle and destroy 1.020 kgs heroin including the representative samples. Section 63(1) of NDPS Act reads as under:-

“63. Procedure in making confiscations.

(1) In the trial of offences under this Act, whether the accused is convicted or acquitted or discharged, the court shall decide whether any article or thing seized under this Act is liable to confiscation under section 60 or section 61 or section 62 and, if it decides that the article is so liable, it may order confiscation accordingly.

Section 63(1) itself is clear that the order is to be passed at the time of conviction, acquittal or discharge or any other means, at the



time of final disposal. Admittedly, no order has been passed by the Trial Court. However, the present first appeal is a continuation of the trial, till it is decided finally. Since Section 63(1) envisages that the order under Section 63(1) of NDPS Act is to be passed at the time of final disposal of the case, and since the appeal of the appellant is admitted therefore in the facts of the present case, it would be appropriate to hear the application at the time of final hearing in the main appeal.

At request of counsel for the parties, list the appeal in the category of 'regulars' for hearing on 17th May 2017.

P.S.TEJI, J

APRIL 25, 2017

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