

CASES ON N.D.P.S.ACT

1991 Cri.L.J.1699

Mainuddin Kasim Mulla V. The State of Maharashtra.-

Narcotic Drugs and Psychotropic Substances Act (61 of 1985), S.18 – Evidence and proof – Packets or covers in which samples were collected and sent to Chemical analyser never secured back and never procured before Court for identification – Link between seized articles and report of chemical analyser being thus not established conviction cannot be sustained.

2003 ALL MR (Cri) 1465

Mr. Rashidi Ally Chigale & Anr. V. State of Maharashtra.-

Narcotic Drugs and Psychotropic Substances Act (1985), S.50 – Personal search – Right of accused – Option of accused of getting searched before Gazetted Officer or Magistrate, should not be polluted or vitiated by showing any inducement, allurements or informing him the presence of such Gazetted Officers among the raiding party itself.

2002 ALL MR (Cri) 1949

Manish Kumar Tak V. State of Goa.-

Narcotic Drugs and Psychotropic Substances Act (1985), Ss.20(b)(ii), 22 – Conviction under – Conviction bases on testimony of Police Inspector regarding search of accused and consequent seizure of contraband – No other evidence from independent sources to corroborate the version of Police Inspector – Accused entitled to benefit of doubt – Conviction not sustainable.

1994 Cri.L.J. 1

Valsala V. State of Kerala-

Narcotic Drugs and Psychotropic Substances Act (1985), Ss. 55, 21 – Safe custody of seized article – Delay of more than three months in sending seized article to Court – No evidence to show that article was sealed and kept in proper custody in police station – Sending of the very article seized to chemical examiner, highly doubtful – Conviction cannot be sustained.

2000(1) Mh.L.J. 813

Kishore Gopaldas Thawani V. State of Maharashtra.-

(b) Narcotic Drugs and Psychotropic Substances Act (61 of 1985), S. 57 – Section 57 requires that within 48 hours the officer concerned has to give intimation in writing to his seniors about the raid conducted by him, the effect of raid, the property seized and registration of offence – Non-compliance of section 57 – Accused acquitted relying on Thandi Ram V. State of Haryana (JT 1999(3) SC 231).

2000(3) Mh.L.J. 518

Kumar Chinniah @ Captain Kumar and another V. State of Maharashtra.-

Narcotic Drugs and Psychotropic Substances Act (61 of 1985), S. 50 – Conviction of accused under section 8(c) punishable under section 21 of Narcotic Drugs and Psychotropic Substances Act – Seizure of contraband – Panchnama recited “Than Sr.P.I. Puntambekar and P.I. Pawar disclosed their identity and informed them that they wanted to take their personal searches. P.I. Pawar asked them whether their searches to be taken by Class-1 Officers, but they declined” - Neither the panchnama nor P.W.1 the panch stated that the accused were informed of their rights under section 50 of the Narcotic Drugs and Psychotropic Substances Act by the officers of the raiding party and/or they were asked whether they desire to be searched by Gazetted Officer or a Magistrate – Informing the accused whether they wanted search to be

taken by Class-1 Officer is not sufficient compliance of section 50 considering facts and circumstances of the case – Accused acquitted. Cri. App. No.396/1990 (SC) State of Punjab V. Baldev Singh.

2000 Cri.L.J. 2136

The State of Maharashtra V. Abdul Jaheb alias Kaloo Abdul Wahed.-

(A) Narcotic Drugs and Psychotropic Substances Act (61 of 1985), S. 42 – Search and seizure – Failure on part of Police Officer to record information received from his informer as required under S. 42(1) – Nor he had complied with S. 42(2) by sending copy thereof to his immediate superior official – Amounts to non-compliance of provisions of S.42 – Vitiates detention.

2003 ALL MR (Cri) 221

Shri Ramesh Shantaram Chavan V. The State of Maharashtra.-

Narcotic Drugs and Psychotropic Substances Act (1985), Ss.20,50 – Conviction under S.20 on basis of possession of charas which was recovered from accused during his search – Prior to search accused not informed of his right to be searched in the presence of a Gazetted Officer or a Magistrate – Accused is entitled to be acquitted.
