

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

ROC No.578/SO/2016

Date: 18.01.2022

CIRCULAR No.2/2022

Sub: High Court of Andhra Pradesh – Investigating Officers are not submitting inventory of substances seized, before Magistrates – Magistrates issuing certificates as to the correctness of the inventory under Section 52A (2) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 – Certain instructions - Issued.

It is brought to the notice of the High Court that in the cases arising under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 (for brevity 'the Act') the seized narcotic drugs and psychotropic substances are not being produced in their entirety before the Magistrate concerned for certification and only samples thereof are being placed before the Court in contravention with Section 52A of 'the Act' and the Magistrates are issuing certificates as to the correctness of the inventory.

In this regard, attention of all the jurisdictional Magistrates is invited to Section 52A of 'the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, (Amendment Act No.16 of 2014), which deals with disposal of seized narcotic drugs and psychotropic substances.

The High Court has considered the matter and hereby directs all the Unit Heads and the Jurisdictional Magistrates in the State to strictly adhere to the provisions of Section 52A of 'the Act', and to the directions issued in the Judgment of the Hon'ble Apex Court in the case of *Union of India Vs Mohan Lal and another* in Crl. Appeal No(s).652/2012, particularly instructions in paragraph Nos. 13 and 14 that soon after the seizure of any Narcotic Drugs and Psychotropic and controlled Substances and conveyances is effected, the same shall be sent to the officer in-charge of the nearest Police Station or to the officer empowered under Section 53 of 'the Act'. The officer concerned shall thereafter approach the Jurisdictional Magistrate with an application under Section 52A (ii) of 'the Act',

which shall be allowed by the Magistrate under sub-section (3) of Section 52A of 'the Act' as held by the Hon'ble Supreme Court in the above Judgment under the heading 'seizure and sampling'. The sampling shall be done under the supervision of the Magistrate as held in paragraph Nos. 13 and 14 of the said Judgment.

All the Unit Heads, and the Jurisdictional Magistrates working under the control of the Unit Heads are hereby directed to strictly adhere to the provisions of Section 52A of 'the Act' and the directions of the Hon'ble Supreme Court in *Union of India Vs. Mohan Lal and another*, particularly Paragraph Nos 13 and 14 and any deviation in this regard will be viewed seriously.

Receipt of the circular may be acknowledged.


REGISTRAR (JUDICIAL)

To

1. The Prl. Pvt. Secretary to the Hon'ble the Chief Justice, High Court of Andhra Pradesh (with a request to place the circular before His Lordship for kind perusal).
2. All PSs to the Hon'ble Judges, High Court of Andhra Pradesh (with a request to place the circular before the Hon'ble Judge for kind perusal)
3. All the Registrars, High Court of Andhra Pradesh.
4. All the Unit Heads in the State of Andhra Pradesh (with a request to communicate the circular to all the Judicial Officers)
5. The Registrar (IT)-cum-CPC, High Court of Andhra Pradesh (with a request to instruct the concerned to place the circular in High Court's website)
6. All the Section Officers, High Court of Andhra Pradesh.