

DRUG LAW ENFORCEMENT

FIELD OFFICERS' HANDBOOK



Narcotics Control Bureau

Ministry of Home Affairs

Government of India



DEDICATION
विष्ठा

MOTTO
ENFORCEMENT
विषया

COORDINATION
सहकार

VISION

Endeavour for a drug free society through coordination and cooperation with all stakeholders and creating synergy amongst them.

MISSION

1. As Central Authority, to effectively prevent and combat abuse of and illicit traffic in narcotic drugs and psychotropic substances.
2. To coordinate actions by various officers, State Governments and other authorities relating to enforcement under all relevant drug laws.
3. To coordinate actions taken by all concerned Ministries, Departments or Organisations in matters relating to drug abuse.
4. To ensure implementation of the National obligations under various International Conventions and Protocols in respect of counter measures against illicit trafficking.
5. To work in cooperation with Foreign Authorities and International Organizations to facilitate coordination and universal action.
6. As National Nodal Agency, to be a repository and reference point for data, issues and benchmarks pertaining to drug law enforcement.
7. To assess and analyse existing and emerging challenges, trends and operational capabilities to make appropriate interventions and advise the Central Government.
8. To make sustained efforts for capacity building and training of agencies involved in the field of drug law enforcement.

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Ministry of Home Affairs, Govt. of India

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ABBREVIATIONS USED IN THIS HAND BOOK

DLEO	Drug Law Enforcement Officer
LI	Lawful Interception
ND	Narcotic Drugs
PS	Psychotropic Substances
CS	Controlled Substances
OPS	Operations
PITNDPS	Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances
IAP	Illegally Acquired Property
Cr.P.C.	Code of Criminal Procedure
NCB	Narcotics Control Bureau
HOD	Head of the Department
INCB	International Narcotics Control Board
FIU	Financial Intelligence Unit-India
CA	Competent Authority
DO	Detention Order
DA	Detention Authority
RUD	Relied Upon Documents
LR	Letter Rogatory
ML	Money Laundering
CRCL	Central Revenues Control Laboratory
CFSL	Central Forensic Science Laboratory
FSL	(State) Forensic Science Laboratory

FOREWORD

It has been our experience that quite often even in cases where adequate evidence is available, the courts have acquitted the accused on technical ground due to incorrect application of the provisions of the NDPS Act. Time and again such mistakes have been committed. As a consequence, even where the seizures are substantial and involvement of the accused is apparent, yet the accused has been able to get away scot free. This not only demoralizes the investigating officer but is also a set back to the organization in the fight against drugs.

It has to be our endeavor that once an individual is caught with drugs, our investigation process should always result in conviction. To achieve this goal, the investigation has to be as per provisions of the law and should not suffer from improper procedures and technical lacunae.

Hence a serious need was felt to have a field officers Handbook that could be used in the field by the officers to enable them to have a correct interpretation and application of the various provisions of the Act. Therefore, this Handbook. A team of experts from NCB as well as other organizations have burnt the midnight oil and painstakingly produced this guide. I sincerely hope that this will achieve the goal we have in mind and

will genuinely and effectively assist the IO in his work.

My special thanks go to Shri Anup Jaiswal, Deputy Director General, NCB, Shri Umakant Misra, Assistant Director, NCB and Shri P.V. Subbarao, Commissioner of Customs for their months of efforts in making this Handbook possible.

Rajiv Mehta
Director General
Narcotics Control Bureau

Chapter 1

DLEO CHECK LIST

Executing a field operation is an integral part of the charter of functions of a DLEO. Such an operation may be undertaken either on the basis of specific information or through intelligence gathered by or personal knowledge of officers. The operation can mean surveillance of persons, premises or search of an enclosed space (house, office, godown, etc) or interception of a conveyance or a person at a public place. The objective is to detect an offence by recovery of incriminating evidence including possession of offending goods (ND, PS or CS), articles and things, illegally acquired property, sale proceeds of drugs and incriminating documents, among others.

However, to ensure that he has not overlooked anything which might subsequently affect the success of his hard work, the DLEO needs to keep a checklist ready. Here's what all he should check:

Search, Field Testing and Seizure

1. Was the information recorded in writing by him?

(If he has received some information-Section 42 (1) of the NDPS Act)

2. Was his belief and the ground that search authorization cannot be obtained without affording opportunity for concealment of evidence or facility for escape of the offender, recorded in writing by him?

(If he is proceeding to search premises without search authorization between sunset to sunrise-
Proviso to Section 42 (1) of the NDPS Act)

3. Was a copy of the said document as at 1 or 2, as applicable, sent to his official superior within 72 hours?

(Section 42(2) of the NDPS Act)

4. Was the copy of Search Authorization shown and signatures of two independent local witnesses and the owner/occupier available in the premises at the time of search procured thereon?

(In case, the search of premises is carried out on the strength of a Search Authorization)

5. Did the search team offer their own personal search by the owner/occupier of the premises before beginning the search of the premises?

6. Was a written notice under Section 50 of the NDPS Act served on the occupants of the premises or on the person who is intercepted at a public place? (This is a must if a person is given a body search and is not necessary if only

the premises is searched or if the bag, brief case, etc. in the possession of the person is only searched) Was the response to such a notice recorded in writing thereon?

7. Was a lady officer present in the search team to ensure that a female is searched by a female? (Section 50(4) of the NDPS Act)

8. Was the reason to believe that the person about to be searched will part possession of drugs and other incriminating articles hence could not be taken to such officers, recorded in writing?

(The person about to be searched for suspected possession of drugs and other incriminating articles can exercise his legal right to be searched before a Magistrate or a Gazetted Officer, as provided in Section 50 (1) of the NDPS Act. If the DLEO has a reason to believe that the suspect will part with possession of drugs and other incriminating articles, he may decide not to take him to such officers and, instead, search himself as provided in Section 50 (5) of the NDPS Act)

9. Was the copy of the document, as at 8, sent to his immediate superior within 72 hours? (Section 50 (6) of the NDPS Act)

10. Were all recovered suspect substances field tested with Drug Detection Kits/Precursor

Testing Kits and the matching colour results to show presence of ND, PS or CS and was it all documented?

11. Were all the recovered documents, articles or things scrutinised/examined to determine their relevance to the commission of offence and importance to the inquiries under the Act?
12. Were all recovered and relevant items liable to seizure and confiscation entered carefully in an inventory and documented in the Panchanama?
13. Were all the goods, documents, articles, things and assets found relevant to the commission of offence and subsequent investigations, recovered during search, seized and the fact of seizure documented in the Panchanama?

Drawal of Samples

14. Was a set of two representative samples drawn from each package or lot (if bunching was made into lots of 40 in case of Ganja & Hashish and 10, in case of other drugs) of the suspect seized substances on the spot?
15. Was it ensured that the representative samples are of specified weights?
(24 gms each in case of opium, Ganja and Charas and 5 gms each in case of all others)

16. Were all the packages including the representative samples properly packed, marked and sealed?

(For easy reference, the parent package or lot can be marked as P1 or L1 and the two sets of samples as SO1 and SD1 and so on. Samples should be kept in heat sealed plastic pouches which may be kept in paper envelopes before marking and sealing)

17. Was Test Memo prepared in triplicate on the spot and the facsimile imprint of the seal, used in sealing the sample envelopes, affixed on the Test Memo?
18. Was the Panchanama/seizure memo/mahazar drawn carefully on the spot and correctly indicating the sequence of events including start and end time of the search proceedings?
19. Was it ensured that the Panchanama and all the recovered/seized documents/articles/things bears signatures of the person whose premises was searched or from whom the recovery was made, two independent witnesses, the DLEO and the lady officer if during the proceedings a lady was searched?
20. Was a notice to examine the owner/occupant and recovery witnesses under Section 67 of the NDPS Act issued and their statements recorded by the DLEO?

Arrests

21. Was a written Arrest Memo informing of the arrest and grounds of arrest prepared, in respect of persons arrested?
22. Was the arrest made in the presence of a witness and his signature obtained on the Arrest Memo?
23. Was the fact of arrest informed to one relative or friend of the person who was arrested and the same endorsed on the arrest memo to this effect?
24. Were the details of arrest shared with the SHO, Police Station in whose jurisdiction the normal place of residence of the arrested person falls?
(Points 21 to 24 are some of the guidelines prescribed by the Hon'ble Supreme Court of India in Re. Govt. of West Bengal Vs D.K. Basu)
25. If the arrested person is a foreign national, were his arrest details shared with:
 - (i) The Joint Secretary, CPV Division, MEA, Patiala House, New Delhi
 - (ii) Ministry of Home Affairs, Foreigners Division, No.26 Man Singh Road, Jaisalmer House, New Delhi
26. Was the arrested person produced before a magistrate within 24 hours of his arrest?

27. Was a report of seizure and arrest sent to the immediate superior within 48 hrs of seizure/ arrest as required under Section 57 of the NDPS Act?

Chain of Custody of Seized Drugs and Precursors

28. Were the seized goods and samples deposited in the Malkhana at the earliest opportunity after seizure, and acknowledgement receipt obtained from the Malkhana-in-Charge?
29. Were the samples sent to the designated laboratory for analysis and report within 72 hours of seizure?

(Samples to be sent to CRCL in case of Customs and other agencies under Ministry of Finance; CFSL for police and other agencies under MHA and State FSLs for police and other state agencies)

Seizing, freezing and forfeiting Assets

30. Was an order seizing/freezing all assets/ IAP issued by him and served on the person searched/investigated under Section 68F of the NDPS Act?
31. Was a copy of the Freeze/Seizure Order sent to the Jurisdictional Competent Authority within 48 hrs of it being made, as per proviso to Section 68F (1) of the NDPS Act?

32. Was the confirmation of Seizure/Freeze Order from Competent Authority received within 30 days? Was the case monitored for final orders by the Competent Authority regarding confiscation of the seized assets?
33. Were all the leads/clues evaluated, analyzed and investigated subsequently to establish independent corroborating evidence of the roles of the accused persons, their links, collusion in the crime and their links to assets seized, etc?

Preventive Detention

34. Was the case evaluated and processed for preventive detention under Sec 3 of the PITNDPS Act, 1988 and if found to be a fit case, a proposal sent to the Detaining Authority (DA) at the earliest, preferably within 30-45 days of seizure?
35. Was any detention order (DO) issued by the DA?
36. Was the DO served on the detenu (person detained), whether in jail or outside, and acknowledgement copy bearing signature of the detenu obtained?
37. Were the grounds of detention served on the detenu within five days of detention in compliance with Article 22(5) of the Constitution of India and acknowledgement copy bearing signature of the detenu obtained?

38. Was a record of the efforts made to trace and detain the person maintained periodically?
(If the person is not available and absconding)
39. Was the acknowledgement set of documents of detention sent to the PITNDPS CELL within 15 days of detention/service so that the matter can be placed before the Advisory Board by the PITNDPS CELL within five weeks from the date of detention?

Follow Up

40. Was the investigation case file put up before superior officers to inform them of the progress in the case on a regular basis (at least once in a week/fortnight) for their instructions, monitoring and guidance?
41. Was the test report received from the lab in time before filing complaint? If not, is it being followed up?
42. Was the investigation completed on time, at least two weeks before the time to file complaints?
(Complaint has to be filed within 180 days for large quantity cases and 60 days for other cases. The DLEO should have adequate time to compile and collate all evidence, prepare a draft complaint, vet it from superior officers and legal officer/ departmental counsel before filing it in court)

43. Is the complaint complete in all respects and includes all material facts and evidence collected during investigation, details of all the witnesses in the memo and is accompanied by all the original documents at the time of filing the complaint in the court?

Pre Trial Disposal of Seized Drugs

44. Was an application for pre-trial disposal of the goods filed before a Magistrate under Section 52A of the NDPS Act?

(Notification no G.S.R 339 (E) dated 10.5.2007)

45. Was the application for pre-trial disposal decided by the Magistrate? If yes, was the process of disposal initiated by DLEO by intimating the same to the Drug Disposal Committee?

(Pre-disposal procedures prescribed in the Notification no G.S.R 339 (E) dated 10.5.2007)

Trial

46. Is the progress of trial satisfactory? If not, was the SPP/Departmental Counsel consulted and steps taken to tackle the causes of delay?
47. Was a judgment order of conviction (or acquittal) and confiscation of goods under Section 60/61/62 read with Section 63 of the NDPS Act passed in the case?

48. In case of order of confiscation of drugs and other items by the court, was the disposal proceeding of confiscated drugs/articles initiated? Are the procedures, as prescribed in the NCB S.O. No 2/88 dated 11.4.88, being followed?
49. Was the judgment order analyzed in case of acquittal or in case of an apparently lighter punishment in case of conviction and consultations carried out with superior officers and Legal Officers to file an appeal in the case?

Reward to Informers and Officers

50. Was the case processed for rewards to officers and/or informer?

(In cases involving drugs, proposal for one time final reward can be placed before the competent authority after filing complaints and finishing financial investigations).

Chapter 2

INTELLIGENCE AND INFORMATION COLLECTION AND MANAGEMENT

One of the main objectives of the NDPS Act is to make stringent provisions for the control and regulation of operations relating to ND, PS and CS. And, the same is reflected in the strict terms of imprisonment and fine. The law seeks to make drug trafficking very risky for the drug trafficker whose natural response is to conduct the operations in a very secretive manner so that detection and subsequent investigations becomes difficult. To ensure things go according to the plan, the DLEO should collect information in a discreet manner.

Look for a clue: The DLEO must understand that his powers come into play only when he has reasons to believe that an offence has been committed. Such a reason can either come from personal knowledge or intelligence collected and developed through secondary sources. These sources could be other sister LEA and their records or specific information provided by secret informers or generated through physical and electronic surveillance of suspects. It is important that a DLEO keep his eyes and ears open all the time to receive a lead about potential

violations and violators of the NDPS Act. A lead or clue from a linked crime or a previous crime may be very useful to identify and target a suspect individual or premises.

Other sources: There can be a clue anywhere and everywhere. A custom officer while detecting a case of smuggling of gold may arrest a border crosser who indulges in transporting drugs also; or a Company caught by Central Excise authorities for evading duty by under-reporting production and clandestine removal of goods; or an Income Tax officer detecting unaccounted income from a person or industrialist; or a Police officer catching a local thief or pick pocket may be a good source of information. Secondary sources like newspapers, books and other publications as well as data from other government agencies or private bodies/NGOs may provide excellent initial inputs too.

Follow procedures: It is imperative that the DLEO record the gist of intelligence in the form of an Intelligence Report. This should include all material details like the type of ND, PS or CS, the persons, premises, vehicles, etc., involved along with the modus operandi and bring it to the notice of his superior officer from time to time. This can help the team plan an operation at the right time to intercept

and catch the culprits red handed with incriminating evidence.

Information Handling: If DLEO receives information from a person, he should get it recorded in writing in the first person, preferably in the handwriting of the informer duly signed by him or putting his left thumb impression. The officer should then seal the recorded information after endorsing 'Recorded by Me' and sign it mentioning his name, designation and the time and date of recording. The next step involves filling in other entries including the gist of information in NCB-I format and sending the same along with the sealed envelope to his superior officer, if possible, immediately, or within 72 hours of such recording. Do note that this is a statutory procedural requirement under Sec 42 (2) of the NDPS Act the compliance of which is mandatory. The reason behind compulsory recording of information and intimation to a superior officer is to safeguard against harassment of general public without sufficient cause and reason. This also gives an opportunity to the officer to look into facts and take action as he deems fit on the basis of the information received.

Informer Protection: It must be noted here that the law protects the safety and security of the informer and Section 68 of the NDPS Act states that no DLEO

shall be compelled to say from where he got the information as to the commission of an offence.

Punishment for false Information: Another safeguard for the general public provided in the Act under Section 58(2) makes giving false information willfully and maliciously which leads to a search or an arrest, a punishable offence inviting a prison term of two years or fine or both.

Chapter 3

OPERATION: PREPARATION, CO-ORDINATION AND PLANNING

Once the DLEO is confident of the information received through his various sources, the next step is to launch the operation, with the aim of recovering and seizing drugs, drug related assets and other related things and/or to arrest the offenders. However, it is easier said than done. The stakes and risks involved in the business of drug trafficking are quite high. A drug trafficking operative (DTO) stands to earn a lot of money if he succeeds in his unlawful dealings, but if the venture fails, he stands to lose not just money but also his freedom, his past profits, his reputation and social standing. No wonder then, the DTO is extremely secretive in his dealings. He and his accomplices can turn violent upon discovery and interception by the DLEO. At the same time, the DLEO risks the exposure of his identity, a failed operation, incorrect or incomplete information, safety and security issues and the like.

Verify Information: If the discovery of the offence is not a chance event effected during routine nakabandi operations or along known drug routes, it is extremely important for the DLEO to verify the information personally or through coordination and

cooperation with other officers, or other agencies. A failed operation or a nil recovery on the basis of false information about an otherwise innocent person may not have adverse operational consequences in the future. But, a failed operation launched on the basis of correct information involving a DTO might end up alerting the DTO and his accomplices who will improve their modus operandi (MO), shift base of their operations and thus will be able to stay away from the clutches of law for many years to come.

4 Ws and 1 H: Before launching an operation, the DLEO should diligently verify all possible Ws, which includes Who (the key persons, carriers, other accomplices), where (the suspect premises, meeting points, dealing venues), Why (reasons for selecting a particular place, premises, vehicles etc), What ifs (alternatives available to DTOs) and How (vehicles, routes, concealment methods, etc). Always remember: have a plan B ready if things don't go as planned.

Planning the operation: The DLEO should plan the operation in consultation with his team members and seniors. Involvement of a member can be on a need-to-know basis. He can always take necessary help from other agencies. In fact, the DLEO can demand cooperation from all agencies/departments mentioned in Section 42 of the NDPS Act under

Section 56 of the NDPS Act which obligates the officers from these departments to assist each other. In case of non-cooperation from an officer of a sister agency despite a written request for the same, such an officer, who does not give in writing the reason for his refusal for assistance, can be tried as per the provisions of the NDPS Act.

Preparation: For the operation to start, the DLEO must provide the search team all necessary logistic support. This includes vehicles filled with sufficient fuel, surveillance equipments (binoculars, night vision devices, mobile phones), search equipments (torches, tool kits), seal and sealing kits (sealing wax/lac, sealing envelops, candles, lighter), stationery and forms like Section 67 Notice, Section 41 (2) Search Authorization etc., weighing scales, safety related equipments (like handcuffs), arms and ammunition, field test kits (standard kit, precursor chemical kit and ketamine kit), Video camera, among others.

It is always a good idea to be prepared in advance instead of losing precious time arranging for all the above while the operation is underway.

Chapter 4

BEFORE THE SEARCH BEGINS

Before heading out for an operation, the DLEO and his team needs to be well informed and to equip themselves well. This is important both while carrying out the search of a premises or persons.

Premises

1. The DLEO and his team should carry proper identification documents like Departmental ID Cards, Search Authorization issued under Section 41 if the search is being conducted on the directions of a Magistrate or a Gazetted Officer. A word of caution, don't carry unreasonably large amounts of money, any document, article or things, etc., which may invite allegations of false implication, planting of fabricated evidence, stealing etc., by the suspect.
2. The team should reach the locality where the target premises is situated well before the strike time and arrange two respectable independent residents in the area willing to witness the search proceedings. To ensure people agree to be a part of these proceedings, the DLEO should

use a mixture of tact, gentle persuasion and legal necessity to convince people to cooperate with the law. In dire necessity, the DLEO can issue a legal notice to persons requiring them to act as witnesses. Refusal to do so when asked in writing, without reasonable cause, is an offence under Section 187 IPC read with Section 100 Cr.P.C. Once witnesses are identified, the DLEO should explain to them the purpose of the search without divulging specific details and ask them to accompany him to the target premises.

3. At the suspect premises, team members should guard all possible entry and exit points when the DLEO and his team along with two independent witnesses make an entry. When the owner/occupier or his representative shows up at the entrance door(or tries to escape through the backdoor or roof), the DLEO should identify himself, his team and the witnesses, share the purpose of his visit and request cooperation from him. The DLEO should show him the Search Authorization, get his signature thereon in presence of witnesses who also should sign thereon. On entering the premises, the DLEO and his team and the witnesses should offer to be searched by the suspect to preempt

the allegation of false implication by planting something in the premises.

4. If the suspect premises are locked and not opened by the inhabitants, the search team can break open the door or any obstacle or resistance placed before them to gain entry and conduct search. Such reasonable use of force is authorized under Section 42 (1) (b) of the NDPS Act.
5. The DLEO should deploy some of the team members in such a way that all entries and exits into or out of the premises can be monitored to prevent any escape of incriminating goods, evidence or persons.

Persons

1. Section 50 (4) of the NDPS Act requires that ladies shall be searched by lady officers only. If the suspect premises are residential or it is known that there will be females in the said premises, the DLEO must ensure that there are lady officers in the team.
2. Before the DLEO or the team members go to search a suspect, s/he must inform the suspect of his/her legal right to be searched in the presence of a Gazetted Officer or a Magistrate.

This should be informed in writing in the form of a notice under Section 50 of the NDPS Act. If the person opts to be searched before a Magistrate or a Gazetted Officer, then he must be produced before such authority who will then decide whether s/he should be searched or otherwise. DLEO should also appreciate the fact that once a person opts to be searched before a magistrate or a Gazetted officer, DLEO may take him before one of these authorities as is safe and convenient. The person about to be searched cannot insist to whom he/she should be taken. Do note that this is a statutory procedural requirement prescribed under Sec 50 (2) of the NDPS Act, the compliance of which is mandatory.

3. The DLEO should note that this right is available to a person only when his body search is going to be conducted. It is not required in case of search of premises or things or articles carried by a person. For instance, if the DLEO wants to search a briefcase carried by a suspect, issuing a notice under Section 50 is not applicable.
4. If the DLEO has reasons to believe that it will not be possible to take the person to a Magistrate or a Gazetted Officer without the possibility of

the suspect parting with the possession of ND, PS or CS or related articles or document, he is empowered under Section 50 (5) to conduct the search himself and after such search, he must record the reasons for such belief and send it to his immediate senior within 72 hours. **Do note that this is a statutory procedural requirement prescribed under Section 50 (6) of the NDPS Act the compliance of which is mandatory.**

Chapter 5

SEARCH: POWERS, PRECAUTIONS AND ACTIONS

The DLEO has to be an officer superior in rank to a peon, sepoy or constable of the departments of Central Excise, Narcotics, Narcotics Control Bureau, Revenue Intelligence, Central Economic Intelligence Bureau, Central Armed Police Forces, Armed Forces, Coast Guard, Police, Revenue, Drug Control, State Excise, etc. to be an authorized officer under Section 42 and 43 of the NDPS Act, for carrying out search, seizure and arrest operations in case of contravention of provisions of the NDPS Act in respect of any ND, PS or CS. This he can do with a view to recover and seize any such article or document which will furnish evidence for commission of such an offence, any illegally acquired property (IAP) liable to confiscation under Chapter VA of the Act and any article or evidence which may furnish evidence of holding such IAP.

Powers: Section 42 empowers the DLEO to search, seize and arrest in an enclosed place like a private house, godown, office or a garage, while Section 43 empowers him to search, seize and arrest in a public place like a railway station, bus terminus, airport, highway, and the like.

Precautions and Actions: As a standard practice as soon as the team makes an entry, all male and female members in the premises should be placed in different rooms and their communication equipments like phones, mobiles, etc., should be immobilized. Physical search must be carried out for detecting possible concealment of offending goods or incriminating documents. Safety hazards like guns, knives, etc., if found on their person, should be kept secured. All the rooms, furniture, furnishings, fitments, conveyances, etc., in the premises must be searched in the presence of the owner or his/her representative and witnesses.

It will be extremely useful to carry a sniffer dog trained to detect drugs for such operations. Dogs can smell drugs much faster and better than any human and hence the entire search operation can be completed much faster. Please note that sniffer dogs not trained to detect drugs (such as those only trained to detect explosives) will not be of any use. If the DLEO does not have a sniffer dog, he should explore the possibility of taking help of any sister law enforcement organization which may have such dogs.

The DLEO must ensure his team is courteous and helpful to the ladies, children and senior citizens in the premises. Sometimes the senior citizens or

females claim some severe physical discomfort which might be an attempt to stall proceedings and create distractions. Nevertheless, the DLEO should get them searched to ensure that they are not in possession of any incriminating article, documents or assets and then allow them to go to a doctor nearby under the watchful eyes of a team member or a relative.

Professional Conduct: The DLEO and the team must conduct themselves professionally. They must not be harsh with any of the people in the premises and must not instill fear by referring to the long jail terms or severe punishment in store. This will only discourage the people from cooperating in search procedures. This may also drive them into active depression leading to them trying to escape or committing self injury or suicide.

The team should always be in touch with the controlling officer, keeping him updated about the progress of the search, discovery of new clues, persons or addresses which might require urgent attention, verification and search, etc.

Witness Management: The DLEO should not take stock witnesses and witnesses hailing from areas very far from the location of the premises going to be searched. In any situation, he should not ask the person about to be searched to arrange witnesses

and ensure that the witnesses are not close friends or relatives of the suspect. The name, parentage, age, occupation, permanent address, present address, office address of the witnesses should be verified and recorded. DLEO should firmly and clearly tell the witnesses and ensure that they are present in the premises throughout the search proceedings and sign on the documents after the search is over.

Maintain Focus: The team must determine what their focus of search is at the premises. The focus of any search under the NDPS Act necessarily has to be for the discovery of:

- i) ND, PS and/or CS
- ii) Articles, things associated with (i)
- iii) Incriminating documents
- iv) IAP
- v) Documents/other evidence relating to IAP
- vi) Articles / things pertaining to a linked crime (unlicensed gun, duty evasion, etc)

Chapter 6

RECOVERY AND SEIZURE

Once the search operation is complete, the articles recovered and seized need to be properly tagged.

Inventorization: The DLEO and his team must ensure that each recovery of incriminating goods suspected to be ND, PS or CS, articles or documents should be carefully tagged with reference to the particular place from which it was recovered, manner of concealment noticed, and kept in the safe custody of a team member till the Panchanama is drawn and final documentation made.

If the packages, articles and documents recovered are large in number, separate inventories should be made for each type of item, giving details such as serial number allotted, description of the item, marks and numbers found thereon, quantity, weight etc. All the recovered and seized documents must be signed by the owner/occupier, witnesses and the DLEO himself.

Field Testing: A small quantity of substance suspected to be ND, PS or CS must be tested with the help of Field Drug Identification Test kit and an indicative nature of the substance should be established from the color range. This should also be corroborated

by questioning the owner/occupier/possessor to ensure that the substance recovered is a ND, PS or CS. If more than one package containing the suspected substance is recovered, a small quantity of substance from each packet must be tested with the Field Test Kit.

Seizure: Once prima facie it appears that the substances are ND, PS or CS, they have to be seized under Section 42 or 43 of the NDPS Act (as applicable) as they are liable to confiscation under Section 60 of the NDPS Act. The DLEO must also seize any animal or conveyance used in carrying the ND, PS or CS or any material, apparatus, utensils by means of which an offence under the Act has been committed as these are also liable to confiscation under Section 60 of the NDPS Act.

Sale Proceeds and Other Articles: If during a search operation, the DLEO recovers money which is believed to be sale proceeds of ND, PS or CS, he must seize the money as it is liable to be confiscated under Section 62. Other contents, even if legal, if found along with ND, PS or CS or narcotic plants, are also liable to confiscation. All the documents found relevant must also be seized as they will be used as evidence in support of the prosecution, and help the court to presume as to possession, mens rea, the

truth of the authorship, contents, etc., unless the contrary is proved.

If ND ,PS, CS are recovered from any specially made receptacle/container/article in which they were concealed, the same must also be seized as these are also liable to confiscation under Section 61 of the NDPS Act and also can be used as evidence of possession and mens rea.

Video: A lot of times the witnesses and suspect allege foul play by the search team during the trial proceedings alleging that they were not present at the time of recovery. To avoid such a situation, all recovery and concealment methods should be videographed simultaneously if possible, recording the presence of the owner/occupant of the premises and the witnesses. This acts as a deterrent later during trial proceedings.

Chapter 7

DRUG IDENTIFICATION AND FIELD TESTING

The main job of a DLEO is prevention and suppression of illicit traffic in and abuse of Narcotic Drugs (ND), Psychotropic Substances (PS) and Controlled Substances (CS). Hence, it is important that the DLEO recognize whether a substance is a ND, PS or CS. Here's how these can be distinguished:

Narcotic Drugs: These are plant based and traditional. In the Indian context, Cannabis plant, Opium Poppy plant and drug derived from the said two plants are quite commonly seen. Ganja, Charas (Hashish) derived from the Cannabis (Ganja, Hemp) plants are frequently abused drugs, available in almost all parts of the country. Likewise, opium, morphine, heroin (brown sugar) are well-known derivatives from Opium Poppy. Legally speaking, as per Section 2(xiv), narcotic drug means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured goods which are all coca derivative, medicinal cannabis, opium derivatives and poppy straw concentrate.

Psychotropic Substances: The substances covered in Section 2 (xxiii) under this heading are defined as any substance natural or synthetic or any salt or preparation of such substance or material specified in the Schedule to the NDPS Act. This Schedule contains 120 items and their salts & preparations.

However, for a comprehensive reference and the small quantity and large quantity of Narcotic Drugs and Psychotropic Substances, the DLEO should consult Notification no S.O. 1055(E) dated 19.10.2001 with updated Additions if any.

Controlled Substances: There are three Schedules A, B and C for Controlled Substances. Under Schedule A are five items-Acetic Anhydride (precursor for Heroin), N-acetyl Anthranilic Acid, Anthranilic Acid (both precursors for Methaqualone) and Ephedrine and Pseudoephedrine (both precursors for Amphetamine/ATS). Their manufacture, distribution, sale, import, export and consumption are controlled through registration and a system of periodic reports and returns filed with the jurisdictional Zonal Director, NCB. Schedules B and C consist of 14 items each whose export and import are subject to NOC from the Narcotics Commissioner, Gwalior.

Identification: Natural narcotic drugs like Ganja, Charas, Opium Poppy can be easily identified by their color, texture and smell. But, most of the drugs abused today are refined and processed substances and are mostly circulated as white, off-white or brown powder, crystals or flakes or colorless odorless liquids. It is very difficult to identify a substance as a drug unless it is tested with different reagents.

The following few visuals should familiarize the DLEO with what he has to deal with during drug law enforcement:

VISUALS OF FEW COMMONLY ABUSED DRUGS



CANNABIS SATIVA



OPIUM POPPY



COCOA



SYNTHETIC DRUGS

OPIUM





OPIUM BEING COLLECTED ON THE NUSHTAR

Cannabis Sativa



Marijuana



Hashish



Hashish Oil





COCA FLAKES



COCAINE FREEBASE



PURE HEROIN - S W ASIA



BROWN SUGER - INDIA



BLACK TAR HEROIN MEXICO

BARBITURATES

- Producers of eternal sleep !!!
- effect from sleep, sedation to anaesthesia
- Seconal for ST, amytal MT and nembutal for LT impact duration
- thiopental as "truth serum" in Narco-analysis
- Adolf Hitler, Marilyn Monroe



Trade Name: Seconal
Chemical Name: secobarbital sodium (10 mg)

SECONAL



Trade Name: Amytal
Chemical Name: amobarbital (10 mg)

AMYTAL



Trade Name: Nembutal
Chemical Name: pentobarbital (100 mg)

NEMBUTAL

LSD



Amphetamines



BENZODIAZEPINES

- Anti anxiety pills !!!
- CNS depressants
- treating anxiety, insomnia, agitation & seizures
- Alprazolam, lorazepam ST, rohypnol MT and diazepam (valium) for LT effects



ALPRAZOLAM



DIAZEPAM



ROHYPNOL

Synthetic cannabinoids

These are synthesized receptor agonists which produce effects similar to those of Delta-9-tetrahydrocannabinol (THC), the principal psychoactive component in cannabis. Synthetic cannabinoids are often sold under brand names and are available in a variety of forms.



Synthetic cathinones

These are synthesized versions of amphetamines, usually referred to as synthetic cathinones, many of which resemble the structure of the natural drug. They generally have stimulant effects and include ingredients reported to be sold as "bath salts".



Other substances

These substances – such as synthetic cannabinoids (JWH-018), phencyclidine (PCP), and synthetic opiates (Urbane, Fentanyl) – are often sold under brand names.



Ketamine

It is used anaesthetically in clinical medicine, but is increasingly used recreationally as a recreational drug. It is sold as a high-purity white powder, often in a zip-top bag or in a small plastic bag.



NPS

Categories of new psychoactive substances sold in the market

The grass (marijuana) is a natural substance. It is often sold under brand names.



Alcohol is a natural substance. It is often sold under brand names. It is often sold in a variety of forms, including beer, wine, and spirits.



Plant-based substances



These substances are often sold under brand names. They are often sold in a variety of forms, including pills, capsules, and powders.

Piperazines



This group includes substances such as amphetamine and methamphetamine, and generally produce stimulant effects. It is often sold under brand names, such as "fly" or "meph".

Phenethylamines

Make health your "new high" in life - not drugs.

The DLEO should appreciate the fact that in a laboratory, the drug identification process involves three to five different types of analysis and that the Chemical Examiner doing the tests is a Qualified Government Scientific Expert whose opinion is accepted by court as evidence under Section 293 of the Cr. P.C.

Since the NDPS Act provides for stringent punishments, the DLEO should have reasonable belief that the substance recovered from a premises/person/conveyance etc., is ND, PS or CS. Usually, if acting on prior information or after long surveillance and gathering of information, he has an idea what the suspect substance is, it is advisable that at the time of recovery, DLEO should ask the person in possession of the suspect substance as to its identity and record in the recovery memo/*Panchanama* about the possessor's declaration that the suspect substance is a ND,PS or CS.

Drug Detection Kit: These kits assist the DLEO in forming a reasonable belief about a substance being a drug. The kit is a portable case containing different reagents that are used to test a small quantity of the substance recovered and determine the nature of the substance based on the color range resulting from the reactions of the suspect substance with the reagents. There are three types of test kits used

at present: **Narcotic Drugs Kit** to test traditional drugs like Ganja, Charas, Opium, Heroin, Cocaine, and the like; **Precursor Chemicals kit** to test Acetic Anhydride, Ephedrine, Pseudoephedrine etc. and **Ketamine Kit**. All these kits are very user friendly and come with an instruction sheet to guide the user draw appropriate inference. It is essential that the DLEO conducts the test, matches the resultant color and forms a reasonable belief that the substance gives positive color pattern for a drug. This process must be recorded in the *Panchanama*.

Since the tests are only indicative, it is often possible that a designated lab will return a negative report. However, by that time the suspect person has already been arrested and spent some time in judicial custody. Should the suspect allege unjustified and illegal custody, the DLEO has a good and bona fide defense based on the field test result.

Chapter 8

SAMPLING AND SEALING

The field test carried out by the DLEO is only indicative that the substance so recovered is a ND, PS or CS and is not admissible as evidence in the court. It is only a notified Government Scientific Expert who can certify the same after chemical analysis in a designated laboratory on the basis of test results obtained. Once he deposes in the court to that effect, it is considered for admission as evidence. It is, therefore, important that representative samples are drawn from the seized substance and are sent to such experts in designated laboratories for chemical analysis and report confirming the presence of ND, PS or CS in the seized substances. It is also important that the seized substance and samples are handled properly and in prescribed manner so that an unbroken and safe chain of custody is maintained from the time of recovery and seizure till they are produced before the laboratory and the court. Following the prescribed procedures nullifies allegations by the accused person of tampering, substitution, etc., which can be successfully defended and nullified.

Sampling: Standing Instruction No.1/88 dated 15.3.1988 of Narcotics Control Bureau, Govt. of

India prescribes detailed procedure for sampling. DLEO should take note of the salient features:

- (i) If the drugs/controlled substances seized are found in packages/containers, the same should be serially numbered for purposes of identification.
- (ii) In case the drugs/controlled substances are found in loose form, the same should be packed in unit containers of uniform size and serial numbers should be assigned to each package/container. The gross and net weight, particular of the drug and the date of seizure should invariably be indicated on each package.
- (iii) In case sufficient space is not available to record this information on the package, a cardboard label should be affixed with a seal of the seizing officer and above details recorded on it.
- (iv) Samples from the seized drugs/controlled substances are to be drawn in duplicate in all cases in the presence of witnesses and the person from whose possession it has been recovered or the owner/occupier/representative of the owner of the premises.
- (v) Quantity of each representative sample drawn is to be 5 gms. in case of all ND and PS, except ganja and charas where the quantity to be drawn is 24 gms. In case of CS, if the same are in

the state of powder or liquid, each sample size should be 5 gm/5 ml (liquid). If it is in a tablet/capsule form, each sample size should contain at least a strip of 10 tablets/capsules.

- (vi) The seized drug in the packages/containers should be well mixed to make it homogenous so that the sample drawn is representative of the seized substance.

Bunching of packages: Drawing two representative samples from seized packages is easy and manageable, but only when the number of packages is few. However, the DLEO frequently encounters situations where the number of packages recovered is very large. Drawing two representative samples from truckloads of seized drugs would be a lengthy exercise. In such cases, bunching of packages into lots is done. Here's what the guidelines say:

- (i) When the package/containers seized are of identical size and weight, bearing identical markings and the contents of each package are of similar color, texture and give identical results on colour test by the test kit, conclusively indicating that packages are identical in all respect, the same may be carefully bunched into lots of 10 packages/containers except in case of ganja and charas in which case 40 packages can be bunched into a lot. For sampling purposes,

these lots will be considered as one unit. A small quantity of substance will be taken out from each of the member packages of the particular lot, mixed thoroughly to make the mixture homogeneous from which two representative samples weighing the prescribed quantity of 5gms or 24 gms, as the case may be, will be drawn.

- (ii) If after bunching 10 or 40 packages into one or more lots, the remainder packages are less than 5 or 20, no representative samples need to be drawn from this last lot. However, if the remaining packages are 5 in case of drugs other than ganja, charas, opium or 20 in case of ganja, charas, opium, these will be bunched into a lot and representative samples will be drawn from this lot in the manner described in (i) above.
- (iii) The packages should be serially numbered as P-1 to n , Lots as L 1 to n (L-1 consisting of P-1 to P-10 and L2 consisting of P-11 to P-20 and so on) and the representative samples in duplicate as SO-1 (for Original sample) and SD-1 (for Duplicate sample) corresponding to P-1/L-1, SO-2 and SD-2 corresponding to P-2/L-2 and so on.

Sealing: Representative samples of substances if in solid or powder form should be kept in small plastic pouches and heat sealed as it is convenient

and safe. The plastic container should be kept in a paper envelope sealed properly with gum. This envelope should be sealed with the official seal of DLEO over a paper slip containing the signatures of the witnesses, the owner/occupier/possessor in such a way that tampering is not possible without breaking the seals or damaging the envelope. The seal inscriptions should be complete and legible. The number of seals affixed on the envelopes should be uniform in number and is required to be mentioned on the Test Memo. Representative samples drawn in duplicate from a package or a lot should be marked clearly as original and duplicate. After the drawl of samples is complete, each package containing the seized substance should be securely sealed with the seal of DLEO over a paper slip containing the signatures of the witnesses, the owner/occupier/possessor in such a way that the sealed packages cannot be tampered without breaking the seals or damaging the packages themselves.

Chapter 9

DOCUMENTATION OF SEARCH, RECOVERY AND SEIZURE

It is not enough to carry out search, recover prohibited substances and seize them. The DLEO is also responsible to properly document everything after the search is over. The documentation can be called a Panchanama or seizure list or mahazar. Whatever may be the nomenclature, this serves as the bulwark on which the entire case will later depend before the court. This is a document which will show whether the DLEO, while detecting a crime and branding some persons as violators of law, has himself followed rules and complied with the legal procedures or not.

From where does it start?: The DLEO must remember that the search process starts as soon as he hits the door of suspect premises or intercepts a person in a public place with the witnesses, with the intention and the authorization to search either under Section 41(2) or 42 or 43 of the NDPS Act as applicable. The search ends with detection and recovery of incriminating articles or nil recovery. As such the documentation must start with the narration of witnesses and the officer approaching the premises and persons for the purpose of search

and then narrate the entire sequence of events as they happen till the search is complete.

Documentation: The Panchanama may be written by one of the witnesses or the DLEO himself and usually starts with “We, the above named witnesses, having been called by Shri ABC, DLEO of Agency to witness the search of residential/official premises at (write address), under control and occupation of (name of person) under the provisions of the NDPS Act. Shri XYZ opened the door and DLEO after disclosing our identity to him, explained in our presence the purpose of his visit and that the search was going to be conducted of the premises and persons present in the premises on the reasonable belief that ND, PS or and/or CS in respect of which an offence punishable under the NDPS Act has been committed and articles, things, documents etc., pertaining thereto and to illegally acquired property has been kept or concealed therein”.

Structure of Panchanama: The DLEO shall include the following activities in the documentation:

First Section

Approach witnesses > Record full details of the witnesses at the top > Approach premises > Show Search Authorization and get it signed by owner/ occupier of the premises and witnesses (skip if the

search is without search authorization) > Explain the purpose of search and seek co-operation > Offer the search of witnesses and entire search team>Record this search/decline of the offer to be searched by the owner > Record any resistance, threat or use of force by the owner/occupier and any use of force/break open of door by DLEO or his team

Second Section

Give written notice under Section 50 of the NDPS Act for search of person of the owner/occupant/others in the premises > Record exercise of option or otherwise > Search the person in the presence of witnesses and record the result

Third Section

Search the premises room by room and record the results > If substances ND, PS or CS are recovered, record the total number of packages/containers after assigning them serial numbers like P-1 to P-n like manner of packing, marks found, colour/texture of the substance, gross weight/net weight of the packages > Field testing with the help of Test Kit and record color pattern indicating the nature of substance to be ND, PS or CS > Seize the substance, containers, other articles, things, sale proceeds, documents including asset titles/certificates etc., under the provisions of the NDPS Act

Fourth Section

Record bunching into lots if more than 10/40 packages seized > Drawl of two representative samples from each package/lot>Sealing of samples and preparation of Test Memo > Sealing of seized substances and other articles except documents > Mention and affix facsimile of the seal used on the seized goods/samples etc., on the Panchanama

Concluding Fifth Section

Record conduct of entire search proceedings in the presence of witnesses and the owner/occupier > No damage caused to any person or property > Nothing except the seized goods and documents as mentioned in the Panchanama was taken into possession by the DLEO > Due respect was shown to the ladies, senior citizens of the house and to religious sentiments of the occupants > Offer search of witnesses and the entire search team > Record search/decline of the offer to be searched by the owner > Record the start of search proceedings at XXXX hrs and completion of search proceedings at YYYY hrs

The concluding section is so designed as to work out an initial defence to any allegations of false implication, theft, torture, damage to property, misbehavior with women/senior citizens,

insensitivity to religious sentiments, etc., normally encountered by the search team and hence it is important.

If the number of items is more, separate annexures to be read as part and parcel of the Panchanama, may be drawn and appended to Panchanama, preferably in the following format. For instance:

Substance Recovery

Sl no	Pkg marked as	Description of package	Marks found	Description of content	Gross wt in gms	Net wt in gms	Rep. samples marked as	Wt. of each sample in gms
1	P 1	Polythene pack in a brown color envelope	555 and marking of half moon	Brown color powder	1050	1000	SO-1 & SD-1	5

Document Recovery

Sl. no	Description of the document	No. of pages
1	E mail dated 12.3.12 from xyz@hotmail.com to yyy@gmail.com	1
2	Share certificate no for 100 shares of L&T from Nos 123 to 222	1

Chapter 10

ILLICIT CULTIVATION OF NARCOTIC CROP

Seizure of drugs is one way to curb the supply of drugs. But the best way to do so would be to end it from where it begins-cultivation of such crops. Survey, identification and destruction of illicit crops of Cannabis, Opium Poppy and Coca plants is one of the main strategies to cut down the supply of drugs. In India, only opium poppy and cannabis are illegally grown. Coca plant cultivation is confined to South and Central America. The NDPS Act 1985 has specific provisions which empower the field officers to take appropriate action in this regard.

Power: The DLEO is authorized under Section 44 of the NDPS Act to seize illicit narcotic plants. Under Section 48 of the NDPS Act, the DLEO, if he is a Gazetted Officer, can attach the crops and issue orders for destruction of the seized narcotic plants.

Under Section 46 of the NDPS Act, a land holder is obliged to report any illicit cultivation of narcotic plants on his field. Under Section 47 of the NDPS Act, the land revenue officials are obliged to report any instance of illicit narcotic crop cultivation to any of the authorized officers under Section 42.

Process: Upon identification of illicit standing

narcotic crops, the DLEO should do the following:

- a) Approach the village headman and the land revenue official to ascertain the land identification number and ownership from the land records; follow up with on the spot enquiries and identify the land owner and the cultivator
- b) In case of forest land, the DLEO should contact the jurisdictional forest officer, ascertain from records and conduct on the spot enquiries about the details of the cultivator and ensure his presence during proceedings
- c) Take measurement of the field with such crops
- d) Count number of plants. For a rational and fair estimate, he should earmark a sq. mtr. area at three to four different portions of the land, count the number of plants, uproot or cut the plants and weigh the total. Then average the number and weight of the plants per sq. mtr. and then extrapolate the numbers to arrive at the total number and weight for the entire expanse
- e) Seize the standing crop and take representative samples of a few opium poppy plants or twigs of cannabis plant under Panchanama
- f) Furnish a report under Section 57 of the NDPS Act to the Gazetted Officer. If a GO accompanies

the search party, there is no need to give such a report and in the Panchanama the presence of the Gazetted Officer should be clearly mentioned

- g) Obtain an attachment order from the Gazetted Officer and order for the destruction of the same
- h) Proceed to uproot or cut the plants by using manual labor or machinery
- i) Burn the plants
- j) Photograph the standing crop and videograph the entire proceeding mentioning it in the Panchanama and retain the photograph/video as evidence

However, the above procedure should be followed in case the ownership of the field with narcotic crops cannot be identified as in case of forest land or other government land. A single running Panchanama incorporating the entire process from points a) to j) can be drawn.

If the cultivator of the illicit crops is identified, arrested and produced in the court, the Gazetted Officer should not pass the order of destruction without the permission of the court. In such cases, the uprooted crops/plants should be stored in the Malkhana or some other safe/secure place and the

process under Section 52A to obtain permission for pre-trial disposal should be immediately initiated. It is only after securing certification under Section 52A that the destruction should be carried out.

Chapter 11

EXAMINATION OF PERSONS AND RECORDING OF STATEMENTS

Once the search proceedings are complete and offending goods i.e. ND, PS or CS, sale proceeds, IAP or evidence relating to these are recovered and seized during the search of premises or any person, the DLEO should immediately start enquiries and examine the person(s) who are concerned/associated with the possession and/or recovery of the above said items. The owner/occupant of the premises, the person who is held out to be owner of the incriminating items and any other person who is connected therewith and the witnesses to the recovery and seizure should be examined and their statements recorded immediately after seizure.

Power: The DLEO is authorized under Section 67 of the NDPS Act to call for information from any person for the purpose of satisfying himself that there has been contravention of the provisions of the Act, the NDPS Rules and the NDPS (RCS) Order and to require any person to produce or deliver any documents or things useful for or relevant to the enquiry. Under the authority of Section 67 of the Act, any person acquainted with the facts and circumstances of the case may be examined.

Recording Statement: All persons examined should write their statements in their own handwriting in a language known to them. If they know English or Hindi, it is better because most people know it and most courts conduct their business in either English or Hindi. However, if a person wants to write in any other language, a translator or a colleague who is conversant with the language, both spoken and written, should be asked to help. This will ensure that the person is actually writing what he is stating before the DLEO. The statement, as far as possible, should be in a question-answer format but it can also take the form of a continuous narration in response to questions by the DLEO. The person giving the statement should sign on each page of the statement and the DLEO should endorse his initials on each page except the last page where he should endorse 'Recorded by me' or 'Before me' and sign his full dated signature below and write his full name and designation.

It is alright if the statement is typed but since the initial statement is usually taken on the spot of recovery, this may not be possible. Further, later many people may claim that they don't know the language and only signed on the dotted lines at the behest of the DLEO.

One-to-one: The recording of statement should be on one-to-one basis, between the DLEO and the person

being examined. Usually many officers come in between, ask different questions, behave differently and go away. This distracts both the DLEO and the person examined, puts pressure on the person being examined and later during court trial when it is proved that many people were interrogating the person at the time of recording statement, the statement loses its voluntary character.

Key Persons First, Others Later: The DLEO must start with the persons from whom the incriminating goods/ evidence has been recovered and record their statements, if feasible on the spot even though it may be a short one. It may touch upon the facts and circumstances of search, recovery and seizure, the source and destination of the drugs, storage place of further quantities of drugs or IAP and other key accomplices. This will form the basis of immediate follow up action. Subsequent statement of the person can be taken after giving him some rest and in the office of the DLEO on the basis of full facts, records and results of simultaneous follow up investigations conducted by the DLEO.

Examine Witnesses Also: The next set of persons to be examined are search witnesses who will corroborate their participation in witnessing the entire search proceedings, recovery and seizure, perhaps even the admission by the owner/possessor

that the substance recovered is ND, PS or CS. This is important because in the absence of witnesses during court trial for any reason, despite the best effort of DLEO to produce them to prove their statements, their written statements can be claimed by the prosecution for use as evidence.

Police and Section 67: The DLEO, if from Police, should also record statements under Section 67 of the NDPS Act while investigating drug offences and mention clearly that the statement is being recorded under Section 161 Cr.P.C. read with Section 67 of the NDPS Act. He should then get the person to write in his own handwriting and ask him to sign his statement. By doing this, the benefits of constructive presumptions provided under Sections 53-A and 66 of the NDPS Act can be availed by the prosecution.

Examining Illiterate Persons: If the person examined is a person who does not know how to write but speaks a language, the DLEO should seek the help of an independent person who knows the language and may request him to write the statement on behalf of the person being examined. That the statement is being written by another person in the said circumstances should be clearly indicated in the beginning of the statement and at the end of the statement. The person writing the statement should read it over to the person being examined,

get his approval and satisfaction that the statement has been recorded correctly and this fact should be clearly endorsed in the statement. It should then be signed by the person who gave the statement and the one who wrote the statement.

In-depth Questioning: While recording a statement, the DLEO should design the questions in such a way that he is able to elicit maximum disclosure from the person being examined. The statement should establish the person's complete personal, professional/occupational and financial information including assets and liabilities, relatives and business associates, exact role in relation to drugs/ evidence recovered source/destination of drugs, sale/purchase consideration, money trail, accomplices, past involvement, etc. The disclosures should be precise and verifiable.

Safety Measures: The DLEO should always ensure his own safety and security as well as that of the person being examined by him. Such examination of persons is a fact finding exercise which is useful to both the DLEO and the person being examined. While the DLEO tries to get further clues and evidence of the commission of an offence, the person being examined and accused of having committed an offence gets first hand opportunity to explain his innocence if at all or the true extent of

his role and involvement in the said offence. During such period of pre-arrest investigation, the person being examined cannot be said to be in the DLEO's custody, yet any unfortunate and desperate act like inflicting self-injury, committing suicide, etc., must be prevented by taking suitable precautions and keeping a watch.

Chapter 12

ARREST: ACTIONS AND PRECAUTIONS DURING CUSTODY OF ARRESTEE

Section 37 (a) of the NDPS Act stipulates that every offence punishable under this Act shall be cognizable. The DLEO should arrest a person after establishing, prima facie, on the basis of recovery and seizures, statement made by him and other persons and other evidence documentary or otherwise available that he has committed an offence punishable under the NDPS Act. He should prepare a written Arrest Memo stating the grounds of his arrest, date and time of arrest and inform the arrestee of the grounds of his arrest.

Guidelines: The DLEO should comply with the guidelines set forth by the Supreme Court of India in the case of D.K. Basu Vs State of West Bengal, the highlights of which are as under:

- (i) Officers interrogating the arrestee must bear their ID and name tags with designations and the names should be maintained in a register
- (ii) The officer carrying out the arrest must prepare a memo at the time of arrest which should be signed by at least one witness who will either be a family member of the arrestee or a

respectable citizen of the locality. The arrestee has to countersign the memo which must contain the date and time of his arrest

- (iii) The arrestee is entitled to have at least one friend or family member interested in his welfare, informed about his arrest and the place of his detention
- (iv) If the arrestee belongs to another district or town, the Legal Aid Organization of that district or the police station of that locality should be informed about the date, time of arrest and place of detention telegraphically within 8-12 hrs after the arrest
- (v) The arrestee should be medically examined at the time of arrest and any major or minor injuries must be recorded in an 'Inspection Memo' which must be signed both by the arresting officer and the arrestee. A copy of the Inspection Memo is to be given to the arrestee. Thereafter, the arrestee must be examined every 48 hrs while he is in custody.

Precaution: A person, after his arrest, must be produced before a Magistrate without unnecessary delay but within 24 hrs of his arrest in accordance with law. The arresting officer who has signed the Arrest Memo is deemed to have his custody till his production before the Magistrate. Therefore, he is

responsible for the arrestee's safety and well-being. The arrestee must always be kept in sight and away from places from where he can try to escape or play mischief.

Arrestee's Belongings: After the arrest, the DLEO as arresting officer, must thoroughly search the person of the arrestee, take out all things/articles in his possession, list out such things in a Jama Talashi Memo under his signature and that of the arrestee. If a close friend or relative is available at the time and place of the arrest, these things can be given to such person with the consent of the arrestee and an acknowledgement receipt must be taken from the recipient in the presence of the arrestee who will also sign thereon to prevent disputes in future. If nobody is available to hand over the same, such articles should be carefully kept in a package, carefully sealed under the signature of the officer and the arrestee and marked as Jama Talashi goods. These are then deposited in the Malkhana to be returned to the arrestee on demand later.

If the DLEO being the arresting officer has to go out on some other official duty, then he must hand over the arrestee to another officer under written instructions of a superior officer and a written instrument of handing over and taking over the

arrestee signed by both the officers—both while handing over and receiving.

Foreign National: In case of arrest of a foreign national, the DLEO is also required to send the arrest details to the following:

- (i) The Joint Secretary, CPV Division, MEA, Patiala House, New Delhi
- (ii) Ministry of Home Affairs, Foreigners Division, No. 26 Man Singh Road, Jaisalmer House, New Delhi.

Chapter 13

REMAND OF ARRESTEE AND DEPOSIT OF SEIZED DRUGS IN MALKHANA

A series of steps need to be followed, as mandated under the law, by the DLEO once arrests have been made and drugs have been seized by him.

Remand of Arrestee: Section 52 (2) of the NDPS Act stipulates that every person arrested and every article seized under Section 41 (2), 43 or 44 of the Act shall be forwarded without unnecessary delay to (a) the officer in charge of the nearest police station, or (b) the officer empowered under Section 53. Since the DLEOs are authorized officers under Section 53, as such there is no need for them to forward the accused person(s) to the nearest police station. However, this can be done if the DLEO has no arrangement for the safe custody of the arrestee at the place of arrest and needs some safe place before the arrestee can be produced before the Magistrate.

He should be aware that Article 22 (2) of the Constitution of India and Section 56/57 Cr.P.C. require that person arrested or detained in custody should be produced before the nearest Magistrate within 24 hours of such arrest excluding the time necessary for the journey from the place of arrest

to the court of the Magistrate. Remember, no such person should be detained beyond such period without the authority of the Magistrate.

Storage of Seized Goods: Agencies of the Central and State Governments have already designated godowns/Malkhana to store seized goods. The godowns may be selected keeping in view their safety and security, vicinity to courts, easy transportability, etc. Such godowns are generally under the overall charge and supervision of a Gazetted Officer.

Chain of Custody: The DLEO, as seizing officer, should keep the sealed packages containing drugs and other seized articles duly sealed with his seal in his safe custody till they are deposited in the godown. He should deposit the same as soon as possible within 48 hrs of seizure of such drugs with a forwarding memo indicating the NDPS Crime/Case no. as per the Crime/Prosecution Register, names of the accused persons, reference of the test memo, description of drugs, drug wise number of packages and quantity and total number of all packages. In the same capacity as the seizing officer, the DLEO should collect an acknowledgement of receipt for such deposit from the Godown Officer/In Charge and place it in the file for record or hand over the same to the Investigating Officer along with all other records of the case. Both the DLEO and Godown In

Charge should ensure that the packing and sealing of the samples/drugs are proper and intact and not damaged at the time of deposit and till submission/production in the laboratory or the Court.

Seizure and Arrest Report: The DLEO, after making any seizure and/or arrest under the Act, shall make a full report of all the particulars of such seizure and/or arrest to his immediate superior officer within 48 hrs after such seizure or arrest under Section 57 of the NDPS Act.

Form F: He must also send a Seizure Report in Form F to the Director General, NCB, Hqrs, New Delhi and the jurisdictional Zonal Director, NCB. This helps in creation and maintenance of a National Data Base on Drug Crimes. The format of Form F is available at and can be downloaded from the NCB website: www.narcoticsindia@nic.in

Chapter 14

PREVENTIVE DETENTION

The Prevention of Illicit Traffic in Narcotics Drugs and Psychotropic Substances Act, 1988 (The PITNDPS ACT) provides for the detention of persons concerned in any manner with illicit traffic in ND and PS for one or two year(s) with a view to preventing them from engaging in such harmful and prejudicial activities.

Proposal for Detention: As soon as a case of illicit traffic in ND or PS is detected, offending goods seized, initial investigations completed and roles of various persons are prima facie established in the present case and past instances, the DLEO prepares a proposal for detention of persons involved therein, whether already arrested or otherwise. In the proposal he mentions the grounds and makes a case that unless prevented, the person(s) is likely to continue harmful and prejudicial activities by engaging in illicit traffic of ND and PS. The proposal should be sent as soon as possible but preferably within 45 days of seizure by the DLEO to the Detaining Authority (DA). The proposal is examined and vetted by a designated Screening Committee which recommends the detention proposal or otherwise.

Detention Order: The Detaining Authority then considers the proposal, recommendation of the Screening Committee and if satisfied, issues a Detention Order (DO) against the person. The Detaining Authority, an officer of the rank of Joint Secretary in the Central Government or a Chief Secretary in the State Government, can issue a DO for a period of one year extendable to two years under certain conditions subject to confirmation by an Advisory Board in the High Court. Article 22 of the Indian Constitution forbids detention of any citizen beyond three months without the approval of an Advisory Board. Copy of the DO is sent to the Seizing/Sponsoring Agency. The DLEO gets it served on the person with such assistance (from police, customs etc) as necessary and lodges him in the jail specified in the order. If the person is in jail, the DO is served in the jail through the Superintendent of Jail.

Grounds of Detention: The DO and the grounds on which the DO has been issued along with relied upon documents should be served simultaneously and acknowledgement in the form of signature of the detenu on every copy of the document served should be taken. If unavailable, the DO should be served first and Grounds of Detention and other documents should be served within 5 days, if not possible simultaneously. In exceptional

circumstances to be recorded in writing, the service of grounds/documents can be done within 15 days of detention.

Advisory Board: The DLEO will ensure that the acknowledged set of documents i.e. DO, Grounds, all relied upon documents containing the signature of detenu are sent to the PITNDPS CELL, New Delhi preferably within 15 days of serving. This is essential as the PITNDPS Cell has to place the case of detention before the Advisory Board of the High Court within 5 weeks of the date of detention and the Advisory Board has to give an opinion about the continuation of the detention or otherwise within 11 weeks from the date of detention.

Notification under Section 10: If the condition of Section 10 of the PITNDPS Act is satisfied and the person/detenu is thought to likely engage in illicit traffic of NDPS into, out, through or within areas specified in the Section 10 as highly vulnerable to such illicit traffic, IO should process the case for issue of a Notification by an officer of the rank of Addl. Secretary within five weeks of detention. In such cases, referral to Advisory Board must be made within 4 months and 2 weeks from the date of detention instead of 5 weeks.

Detention Period: In those cases where a declaration is made under Section 10 of The PINDPS Act, the

maximum detention period is two years while in non-Section 10 cases it is one year. In the first case, the Advisory Board must give its opinion within 5 months and 3 weeks while in the second type of case, the time limit is 11 weeks.

Guidelines: The DLEO may take note of the following guidelines while handling preventive detention matters:

- (i) Prepare and sponsor the detention proposal to DA without delay from the date of incidence. If there is delay, it should be satisfactorily explained (like delay in Test Report etc).
- (ii) The proposal should include complete and latest judicial position including bail and other misc, applications, court orders, etc.
- (iii) Inclusion of the chemical analysis reports is a must.
- (iv) All relied upon documents should be included in the proposal and legible.
- (v) While serving documents on the detenu, DO, Grounds of Detention and the Relied Upon Documents (RUD), if not in a language known to the detenu, should also be served in a language known to the detenu simultaneously.
- (vi) The DO and Grounds of Detention should be

read over and explained to the detenu in the language known to him/her.

- (vii) After serving DO and related documents, the complete set of documents acknowledged by detenu should be sent to the PITNDPS CELL of the DA.
- (viii) The DLEO must also send three complete sets of legible documents per case of detention accompanied with a list to the office of the DA within 15 days of detention for timely submission to the members of the Advisory Board for their use.
- (ix) The DLEO must also process the case for timely declaration under Section 10 (1) of the PITNDPS Act immediately after detention if the conditions, i.e. illicit traffic into, through, out of or within any area declared as highly vulnerable to, as per Section 10 of The PITNDPS Act are satisfied.
- (x) All retractions/representations made to the Sponsoring Authority (Seizing Agency) or Central Government may be expeditiously processed, para wise comments prepared and reply sent to the PITNDPS Cell within a week.

Chapter 15

INVESTIGATIONS

The initial inquiries made by the DLEO at the time of detection of the crime involves going to the spot, discovery of the crime, seizure of the objects and apprehension of the persons who prima facie have committed, colluded or abetted in the crime.

Purpose of Investigation: The DLEO should always keep in mind that the investigation is aimed at detecting the commission of an offence(s), the person(s) who has (have) committed it (them) and recovery of the ND, PS and/or CS in respect of which the offence is committed and the IAP held by the persons in the name of self or relatives and associates. He should define precisely each of these four elements and conduct investigation in such a way that evidences gathered are relevant at least to one element.

Thrust of Investigation: The enforcement by the DLEO to be fully effective must cover the discovery of following major elements:

- (i) What are the different offences made out in the case at hand? This would depend upon the nature of the ND, PS or CS involved, the quantity seized and the offending activities performed

in relation to the ND, PS or CS like production, manufacture, sale, consume, distribute, import or export, financing, harboring, collusion and abetment, etc.

- (ii) Who are the direct violators? Their complete ID and personal details
- (iii) Who are the conspirators and abettors who facilitated the crime? Their complete ID and personal details
- (iv) What is the source of production and manufacture of drugs? Is it a case of diversion from licit sources?
- (v) What is the destination of the drugs?
- (vi) What is the distribution route and mode of transport?
- (vi) What is the sale/purchase consideration?
- (viii) What is the mode of payment?
- (ix) Is there any specific place, person, licit factory/illicit factory/lab involved?
- (xi) Is there a history of previous crimes and convictions?
- (xii) Does the crime also involve import/export?
- (xii) Is the crime an organized operation by a gang or syndicate? If so, details of the members, roles of each member or sub group.

- (xiii) What is the Modus Operandi and is there a preferred pattern?
- (xiv) What is the volume of the criminal transaction and the profit?
- (xv) Where and how are the profits accumulated and transformed into assets, concealed, converted or laundered otherwise?
- (xvi) Any further criminal transaction in the pipeline?
- (xvii) What kind of assistance from which person/department/authority is required to get the desired information/documents?

Powers to Investigate: The DLEO is invested with the powers of an Officer-in-Charge of a Police Station for the purpose of investigations of the offences under Section 53 of the NDPS Act. Such officer normally employs the tools of search and seizure (Section 42, 43, 44), examination of persons, requiring persons to produce things or documents (Section 67), referring suspect goods for scientific expert opinion, etc., (Section 293 Cr.P.C.) to investigate the case.

Corroborative Evidence: The DLEO must remember that a thorough investigation is possible only when he can assess the evidence already available, the linkages and the relevance of possible investigations, their outcome. He should ask intelligent questions to persons he is examining on the basis of clues and cues

developed from facts, circumstances, records and examination of persons available till that time. The officer must appreciate that a confession statement by a person who is apprehended and in his custody generally does not inspire much confidence in the eyes of the court during trial proceedings unless corroborated by independent evidence.

The purpose of investigation is to discover more and more evidence to unravel the true extent of and the entire range of actors involved in the crime.

Strict Proof for Stringent Punishment: The DLEO must also appreciate that the court, in order to impose stringent punishment provided in the NDPS Act, demands strict proof from the prosecution. As such the DLEO must ensure that the evidence he collects during investigation generally has strong probative force in proving a particular fact to support the contravention of law by the accused persons.

Investigation Report: The DLEO must complete his investigations within the stipulated statutory period and make a detailed Investigation Report incorporating all the activities, results, their summary and relevance in proving the prosecution case and establishing the charges of offence against the concerned persons. This Investigation Report will form the reference point for all future processes like filing a complaint, a proposal for preventive

detention, asset forfeiture proceedings, trial proceedings, appeal proceedings, etc. It will also be very useful if the particular DLEO is no longer available and associated with the case for some reason such as transfer, ailment or retirement etc.

Filing Complaint/Charge Sheet: For offences involving Section 19, 24, 27A or for offences involving commercial quantity, a complaint (in case of non-police officers)/a charge sheet (in case of police officers) must be filed within 180 days and in all other cases 60 days from the date of arrest. However in the first category of the cases, the court may extend the said period up to one year upon sufficient cause shown by DLEO through the Public Prosecutor.

Do remember that failure on the part of DLEO to complete investigations within stipulated time will result in a delayed filing of complaint which will create an automatic right in favor of the accused person to get bail.

Chapter 16

INTERNATIONAL INVESTIGATIONS

Drug trafficking and consumption is not just limited to our country, it is a global concern. Drugs cultivated and produced in one part of the world are sold and consumed thousands of miles away. The markets and profits are so huge that international syndicates are involved in drug trafficking. Hence, it comes under the category of 'Transnational Organized Crime'.

The DLEO frequently encounters international ramifications while investigating a case. Drugs, sale proceeds, assets, carriers often cross national boundaries. He has to investigate the case in such situations as well.

Abuse of technology: The advent of internet and courier services has made it much easier for people across the globe to indulge in these activities as these offer cheaper means, anonymity and risk cutting while sending drugs to distant destinations. These channels are increasingly abused by traffickers raising challenges for the DLEO to identify the real culprits involved.

Controlled Delivery: The DLEO in such cases can use the technique of Controlled Delivery after getting authorization from the Director General, NCB under

Section 50A of the NDPS Act. In a Controlled Delivery operation, a package discovered to contain ND, PS or CS is allowed to move to its destination, either with the substance therein or substituted with another substance with the knowledge and under the supervision of the DLEO. At the destination, watch is kept and the person who claims and receives the package is caught and interrogated to reveal the people involved in the originating country. Controlled Delivery can be undertaken to any destination in India or a foreign country. In the latter case, consultation with the competent authority of such foreign country is necessary.

International Co-operation: Many times, people residing in foreign countries are required during investigations to be examined or to produce relevant documents and things. In such cases, if there is a bilateral treaty with the specific country for mutual legal assistance, the designated contact person of that country may be requested through the designated Indian Authority by providing the required information in the agreed format. India has Mutual Legal Assistance Treaty with 29 countries, Memoranda of Understanding with 8 countries to provide assistance in drug related matters. The DLEO, in cases where foreign assistance is needed, may contact NCB, New Delhi with the required details of the case and type of assistance needed.

Letter Rogatory: In the absence of a treaty or MOU, the DLEO has recourse to Letter Rogatory (LR) method where the competent court in India through a Letter Rogatory issued by it requests the jurisdictional court in the foreign country to serve the process on the person or any authority for the desired action/information.

All international investigations are time consuming and require patient handling. The DLEO should understand that the national sovereign interests always override **overseas** interests. When evidence or information is provided by foreign authorities, they frequently insert a caveat for non-disclosure to third party or 'Only for Intelligence Purposes' thereby restricting their utility for use as evidence. ***Therefore it is advisable to specify the purpose and use of the information sought from them in the beginning itself.***

Chapter 17

FINANCIAL INVESTIGATION: ASSET SEIZURE/ FORFEITURE

Taking away all the monetary gains derived from the crime enhances the effectiveness of enforcement activities against the drug traffickers. Financial Investigation by the DLEO refers to specifically those investigations that are designed to trace and identify any property acquired by the trafficker either in his own name or in the names of his relatives and associates, wholly or partly out of income, earnings or assets obtained or derived from or attributable to contravention of provisions of the NDPS Act.

Assets to be targeted: The DLEO during financial investigation targets assets of every person:

- (i) convicted by either an Indian or a foreign court of a drug offence punishable with imprisonment of 10 years or more, or
- (ii) against whom an order of detention has been issued under the PITNDPS Act which has not been revoked on the report of Advisory Board or set aside by a court, or
- (iii) arrested or against whom arrest warrant is issued for a drug offence punishable with imprisonment up to 10 years or more by an Indian or foreign court, and

(iv) associates and relatives of such persons

Illegally Acquired Property: Section 68C of the NDPS Act prohibits holding of illegally acquired property (IAP). However, the DLEO is authorized under Section 68E of the NDPS Act to take appropriate steps to trace and identify such IAP which may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of accounts in any bank, public financial institutions, security depositories and intermediaries, etc. Upon investigation, if the DLEO identifies and has reason to believe that such properties are illegally acquired property and are likely to be transferred or concealed or dealt in a manner resulting in frustrating the proceedings of asset forfeiture, he can order seizure of the property. When it is not practicable to seize the property, he will make and serve an order on the person that such property will not be transferred or otherwise dealt without the prior permission of the DLEO or the Competent Authority (CA). The DLEO will send a copy of the Seizing/Freezing Order to the CA within 48 hours. Such an order by the DLEO will have no effect unless the CA confirms it within 30 days of its being made.

Competent Authority: There are five Competent Authorities of the rank of the Commissioner of Customs or Central Excise or Income Tax, and are

headquartered at Kolkata, Chennai, New Delhi, Lucknow and Mumbai. Their jurisdictions are notified vide Notification GSR 189(E) dated 16.3.2001.

Tracing and Seizing IAP: Main actions contemplated under the NDPS Act on the part of the DLEO are making investigations under Section 68E to trace and identify IAP, issue order to seize/freeze them under Section 68F and send a copy of such order to the Competent Authority within 48 hrs. He should also make a detailed report to the Competent Authority on the IAP seized and the evidence collected to show that such properties are illegally acquired.

Anti Money Laundering Provisions: The DLEO should also note that besides Chapter VA of the NDPS Act, Section 8A of the Act prohibits activities like converting or transferring, concealing and disguising the true nature and disposition of the IAP or knowingly acquiring, possessing or using any property which was derived from an offence committed under the Act or a corresponding law of any other country.

Offences under the NDPS Act are also offences under the Prevention of Money Laundering Act. After detection of a case and financial investigations, a report is to be sent to The Enforcement Directorate in the prescribed format ML-I and ML-II for further appropriate action.

Chapter 18

PRE-TRIAL DISPOSAL

Seized stock of ND, PS and CS is considered as primary evidence of possession and trafficking and serves as case property/exhibit during the trial in the court. This has the effect of delaying the disposal of the stock till the completion of trial and sometimes the appellate proceedings. Such seized/confiscated stock of ND, PS and CS are vulnerable to theft, substitution, loss etc. These may unwittingly provide a source of supply to illicit channels. For this, Section 52A of The NDPS Act authorizes the DLEO to apply to the court any time after seizure, on grounds of hazardous nature, constraints of proper storage place, vulnerability to theft, substitution or any other relevant consideration, for certification and pre-trial disposal of the seized narcotic drugs and psychotropic substances in the manner prescribed in Notification No. GSR 339(E) dated 10.5.2007. Further he can take recourse to Section 451 of the Cr.P.C. for pre-trial disposal of seized controlled substances and other articles including conveyances.

Process: The DLEO prepares an inventory of seized ND, PS as per Annexure 1 of the notification and apply to any Magistrate under Section 52A (2) in the format of Annexure 2. After the Magistrate allows

the application and completes the action on his part, the DLEO preserves the certified inventory, photographs and samples drawn in the presence of Magistrate as primary evidence for the case. As the officer in charge of the godown or case officer, the DLEO prepares a list of all such consignments which are ripe for disposal after following the procedures under Section 52A and approved by the court for disposal. He then furnishes the details of such stock to the Drug Disposal Committee for a decision by the committee on the disposal.

Drug Disposal Committee: The Drug Disposal Committee is constituted by the Head of the Department. Such committee is headed by an officer of the rank of Zonal Director of NCB or SP or Joint Commissioner of Customs and Central Excise or Joint Director, DRI or officers of equal rank while two other members are of the rank of ASP or Assistant/Deputy Commissioner/Director. This committee can order disposal only up to a specified quantity. If the quantity is more, then HOD may depute a High Level Drug Disposal Committee.

Mode of Disposal: Opium, Morphine, Codeine and Thebaine are disposed of by transferring the stock to the Government Opium and Alkaloid Works under the Chief Controller of Factories, New Delhi. In other cases of drugs, the Chief Controller of Factories will

be informed and he shall indicate within 15 days, if any drug and the quantity thereof is required by them for supply as samples under Rule 67B of the NDPS Rules. The requisitioned quantity of drugs will be transferred to The Chief Controller of Factories and the remaining quantity will be disposed off. The HOD shall be intimated regarding the program of destruction, at least 15 days in advance, so that he may himself or through other officers conduct surprise checks.

Disposal of drugs will be by incineration (burning) in incinerators functioning under the consent and approval of State Pollution Control Boards/Pollution Control Committees. The destruction should be carried out in the presence of the Drug Disposal Committee. After destruction, the Drug Disposal Committee will prepare a Certificate of Destruction in triplicate as per Annexure 3. The original will be kept by the DLEO in the godown register, the duplicate in the case file and the triplicate will be with the Drug Disposal Committee for their record.

Chapter 19

LAUNCHING PROSECUTION: FILING COMPLAINT/ CHARGE SHEET

A complaint is a document of facts proving commission of an offence placed before a Magistrate entitled to take cognizance. The initiation of prosecution and trial proceedings against the accused person is set forth by a Police Report or a Complaint made in the Special (or designated) NDPS Court (a Court of Sessions) who upon perusal of the Police Report or a complaint take cognizance of that offence.

Timeline: The DLEO must appreciate that not filing a complaint/charge sheet within 180 days (or such period as extended by the court) for offences involving Section 19, 24, 27A or for offences involving commercial quantity and 60 days in other cases, will result in a delayed filing of complaint which will create an automatic right in favor of the accused person to get bail.

Complaint: The complaint must contain both the factual and legal basis constituting the offence, persons involved, their respective roles and extent of involvement, evidence gathered against each, etc. It should list the witnesses carefully without

leaving out any important witnesses. It must also list out all relied upon documents, records, books of accounts, things and articles to be exhibited as material evidence in support of the prosecution.

The DLEO should rely on the investigation report, mark or list out facts with main evidence and cross reference it with other corroborating evidences relevant to a particular offence(s) and draft the complaint in consultation with the legal officer/ Departmental Counsel/Public Prosecutor.

Complainant: The Complainant can be an officer other than the Seizing or Arresting Officer. Ideally, the complainant should be the officer who investigated the case and is fully conversant with the sequential and linked progress of the case till the final stage.

Chapter 20

CASE FILE MANAGEMENT

Maintaining a written record of the whole case is an extremely important step in the investigation. There are certain steps for this that must be followed.

File Maintenance: The DLEO should maintain three types of files depending upon the stage of processing information. The information may have potential but it might be so sketchy and vague that it requires a lot of time and efforts to develop the specifics. The DLEO must maintain a NGO (Not to go to office) file for his own reference and use, which will record the work done on the information as he follows, collects and records definite intelligence clues till he develops an actionable information to target preventive operations.

The second type of file will be a purely Intelligence File, part of official records pertaining to the information received but the target suspect drug traffickers need to be under physical and electronic surveillance. Since it will involve Lawful Interception, the second file will be gradually built up on day-to-day basis with matching and verification inputs, audio-visual evidence gathered from the field, etc.

The third type of file is the main Case File which usually starts with the detection of an offence and seizure of ND, PS or CS or IAP and other evidence of commission of an offence. The number of the file is the entry serial number given to the case in the Crime Register.

It is advisable to keep the original documents generated during the operations in a separate file and in safe custody of the DLEO as the main file will regularly pass hands from the DLEO to superior officers, legal officers, Departmental Counsel/Public Prosecutor, among others. Under the circumstances, the chances of loss, damage, misplacement are very high and by maintaining the original documents safely and separately, the main investigation file can be recreated on the basis of the original documents in the event of loss, misplacement, etc.

File Noting: Each document in the case file should be numbered and cross referenced on the note sheet side of the file. This has the double advantage of summarizing the issue or evidence contained in the document as well as indexing and marking its existence. The DLEO and the Superior Officers can get a grasp of the issues and the present status of the case by simply going through the note sheet entries at various stages by various officers.

Case Build-up: The DLEO should ensure that the documents are filed in chronological order and the investigative links are gradually but surely built up as each statement or other records or developments are analyzed forming the basis of further action in successive stages till the investigation is complete and the DLEO is ready to file complaint/police report in the court.

The DLEO, after conducting an investigation by way of obtaining relevant documents from a Public Office or a private person or examining a person and recording a statement, should assess the relevancy, utility and further disclosures. He should then put up a gist on the noting side for perusal of the superior officer who is expected to assess the evidence and suggest/instruct further steps to be taken by the DLEO. The DLEO must ensure that the file is put up regularly and periodically to the superior officer, at least once in a fortnight so that smooth progress and tempo in investigation is maintained till completion.

Timelines: Investigations need to be completed within 60 or 180 days as applicable. In case the DLEO is not able to complete investigations, he should put up the file citing grounds like large number of persons to be examined, some key persons absconding, non-availability of Test Report, international

investigations, *benami* IAP, etc. After approval from the superior Officer, he may move application in the court through Public Prosecutor/Departmental Counsel to extend time to file complaint/charge sheet.

Investigation Report: Upon completion of the investigation, the DLEO should prepare a detailed investigation report listing the offences, key actors and accomplices with their roles, source, destination, consideration for the transaction and related cash flow, previous offences, assets derived from and used in the crime and the nature of evidence collected to prove each offence. This Investigation Report, in consultation with the Public Prosecutor/Departmental Counsel, will form the basis of preparing a complaint.

Court File: After filing of complaint, a separate Court File should be prepared with a booklet containing the complaint filed along with relied upon documents. All applications, bail applications and all other legal processes issued by the court will be dealt with on real time basis and the DLEO should be careful to maintain a note of proceedings on each day of hearing by the court. This will not only help monitor the progress of the trial but also help manage the Public Prosecutors' bills and payments.

FI Matters: The DLEO should record the financial investigation (FI) of a case in a separate part file as the matter is referred to the Competent Authority and Anti Money Laundering Authority. All reports to and correspondence with the said authorities should be carefully maintained by the DLEO and put up at regular intervals to the superior officers for perusal and further instructions.

Chapter 21

TRIAL AND BAIL MANAGEMENT

The DLEO should take note that under Section 37 of the NDPS Act, every offence under the Act is cognizable. He must appreciate that not filing a complaint/charge sheet within 180 days (or such period as extended by the court) for offences involving Section 19, 24, 27A or for offences involving commercial quantity and 60 days in other cases, will create an automatic right in favor of the accused person to get bail.

Bail: The officer should take note of Section 37(1) (b) of the NDPS Act which stipulates that no person accused of an offence punishable under Section 19, 24 or 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity to oppose the bail application and the court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any offence while on bail.

Trial: The purpose of cross examination by the defense is to bring about discrepancies and lacunae

in the version of prosecution witnesses and records so that the facts are not proved or the said discrepancies create a benefit of doubt in favor of the accused. It is important to stick to the documentary records produced in the court and to depose only in respect of those facts to which an officer was privy to or responsible for.

Remember that only the seizing officer who appends the signature to the *Panchanama* can prove all the facts mentioned in the *Panchanama*. An officer who assisted in weighing but was not present, say, during recovery of goods from a particular portion of the premises, should not depose relating to the recovery as there is a risk of variation vis-à-vis the deposition of the officer who actually was present during recovery. It is safe and correct to say that he was not present at the time of recovery and so cannot depose with respect to the fact in question.

The search witnesses should be the first witnesses to depose to prove recovery and seizure. The Seizing Officer should be the last to depose as that gives an opportunity to take care of anything important that was left unexamined or any discrepancy. When unsure, they should seek permission of the court to refer to the documents on record and can thereafter answer the question on the basis of and in the manner the fact is recorded.

Many courts and defense lawyers confuse the procedures, pre operation documentation and movement records, case records prescribed for police personnel who file a Police Report or Charge Sheet in the court, also hold good for non police officers who after investigations file a complaint. While there is a legal need to maintain a true and accurate record of all material actions taken by the officers of investigating agency other than Police pertaining to the case, there is no legal obligation to maintain records prescribed for police officers.

The officer should also fully utilize the presumptions in favour of the prosecution provided in the Act under Sections 35, 53A, 54 and 66 and also brief the Departmental Counsel to apply the provisions during arguments in the case. The DLEO, in consultation with the Departmental Advocate, should facilitate speedy trial by ensuring timely production of witnesses, availing bulk dates of hearing, avoiding adjournments etc.

Chapter 22

DISPOSAL OF CONFISCATED DRUGS

The DLEO is aware about the provision of pre-trial disposal available under Section 52A of the NDPS Act. However, the normal course after seizure and arrest is to launch prosecution and submit the offending goods and the offenders (accused persons) to judicial scrutiny by the court which decides on the offence and punishment through an elaborate and, sometimes, very lengthy trial. At the end of the trial, the court decides two issues, whether the accused persons are guilty and whether the offending goods are liable to be confiscated under Section 60 or 61 or 62 of the NDPS Act.

Whether the court passes an order of conviction or acquittal, the court decides as to the confiscability of the goods and passes order for confiscation under Section 63 of the NDPS Act.

Unclaimed Goods: The DLEO sometimes effects unclaimed cases where ND, PS or CS are seized but no claimant could be found either on the spot or after investigations. In such cases the DLEO, after one month of seizure, should apply to the court informing the details of the case and the efforts put in to identify the accused and the fact that such

persons could not be known or identified and pray for confiscation of the goods under Section 63 of the NDPS Act.

Perishable Goods: If the DLEO seizes anything perishable and vulnerable to speedy and natural decay, other than ND, PS or CS or Narcotic Plants like Opium Poppy or Cannabis plant, application can be made to the court to pass orders for early confiscation and disposal by sale and the court shall pass orders. If later the seized goods were held to be confiscated by the court, the sale proceeds in lieu of the original goods will be confiscated and if the goods were found harmless and to be returned to the owner, the sale consideration in lieu of the goods will be returned to the owner as provided under 2nd Proviso to Section 63(2) of the NDPS Act.

After the court passes order confiscating ND, PS or CS under Section 63 of the NDPS Act and its disposal, the DLEO shall make its details available to the Drug Disposal Committee and initiate the process for their disposal.

Subsequent activities of the DLEO in this regard are exactly the same as in the case of Pre-Trial Disposal and steps outlined in Chapter 18: Pre-Trial Disposal. These will apply to the disposal of confiscated stocks also.

Chapter 23

CONTROLLED SUBSTANCES AND ENFORCEMENT

Under the NDPS Act, a DLEO's enforcement activities also cover Controlled Substances besides Narcotic Drugs (ND) and Psychotropic Substances (PS). Controlled Substance (CS) is defined under Section 2 (viid) of the Act as any substance which, having regard to its possible use in the production or manufacture of narcotic drugs or psychotropic substances or to the provisions of any international conventions, is declared by notification in the official gazette, to be a controlled substance.

Power to Regulate: Section 9-A of the Act empowers the Central Government to make an Order providing for prohibiting or regulating the production, manufacture, possession, transport, sale, purchase, consumption, storage, supply and distribution, etc., of any controlled substance.

Vide Notification number S.O. 834 (E) dated 26.03.2013, the Central Government has declared 14 more substances as Controlled Substances in addition to the five substances, namely Acetic Anhydride, Anthranilic Acid, N-acetylanthranilic Acid, Ephedrine and Pseudoephedrine notified earlier. The Central Government has also brought out

a new statutory framework regarding control over the activities pertaining to these substance in the form of an order known as The Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order 2013 {The NDPS(RCS) Order} vide Notification number G.S.R 191 (E) dated 26.03.2013 repealing The NDPS (RCS) Order 1993.

Schedules: Under the scheme of control prescribed in the NDPS (RCS) Order, 2013, the controlled substances are divided into three categories- Schedule A, B and C. The list of these substances is given in the Annexure. Schedule-A substances are those controlled substances whose manufacture, distribution, sale, purchase, possession, storage and consumption is subject to control as specified in this Order. Schedule-B substances are those controlled substances whose export from India is subject to controls and Schedule-C are those substances whose import into India is subject to control as specified in this Order.

Registration: The salient features of control over Schedule A substances are the requirements of registration, within a period of 180 days of the coming into force of this Order, for engaging in activities like manufacturing, trade and commerce, possession and consumption. A person, including a legal person, is required to apply in Form B to the

jurisdictional Zonal Director of NCB for registration of the premises and the activity pertaining to the CS and obtain a unique registration number issued by the concerned Zonal Director.

Returns: Under the provisions of the said Order of 2013, the registrant must maintain a daily account in **Form C or D**, must file quarterly returns in **Form E or F** to the Zonal Director, NCB by the last day of the month following that quarter, preserve these records for minimum two years etc., must report regarding any loss or disappearance of any CS immediately to the concerned Zonal Director, NCB.

Transportation: Transportation is a very vulnerable area for diversion of these substances for illicit purposes. Control measures over transportation of Schedule A substances include compulsory accompaniment of a Consignment Note in **Form G** (in case of indigenous goods) or a Bill of Entry (in case of imported goods) during movement of a consignment, use of tamper proof seals with identifiable descriptions while being transported in motorized containers etc. Sale of a Schedule A substance will be made only to a person holding registration. If the destination of a consignment falls under the jurisdiction of another Zonal Director of NCB, the consignor shall send a quarterly report to that Zonal Director in **Form H**.

Destruction: Any person intending to destroy a Schedule-A substance, will have to apply in **Form I** to the concerned Zonal Director of NCB. The Zonal Director will appoint a committee consisting of a Gazetted Officer of NCB, Superintendent of Central Excise of the concerned range and an authorized representative of the applicant within 30 days. This committee will supervise the destruction within 30 days of its appointment.

Export and Import Controls: Export of a Schedule B Controlled Substance and import of a Schedule C Controlled Substance requires a No Objection Certificate (NOC) from the Narcotics Commissioner of India. The NOC is valid for a single consignment only. The applicant has to apply to the Narcotics Commissioner in **Form J** (for export) and **Form K** (for import) for issue of a NOC. The import/export consignments shall be labeled prominently giving details of the name and quantity of the controlled substance, name and address of the exporter and importer and the consignee. Import and export related documents are to be submitted to the Narcotics Commissioner within seven days of import or export as the case may be. The importer/exporter shall preserve the documents for a period of five years.

Offence and Punishment: Section 25-A of the NDPS Act provides for punishment for a term of rigorous

imprisonment which may extend to 10 years and also fine of up to Rs 1 lakh for contraventions of the provisions of the Order.

Section 26 of the Act can also be invoked by the DLEO when an applicant or any person in his employment and acting on his behalf, fails to maintain account or to submit any return in accordance with the provisions of the Act or keeps any account or makes any statement which, he knows or has reason to believe, is false or willfully and knowingly does any act in breach of the conditions of the license, permit or authorization. Offences under Section 26 of the Act are punishable with imprisonment for a term which may extend up to three years or fine or both.

The DLEO should keep track of the current drug trafficking trends and diversion of otherwise licit chemicals including CS for illicit manufacture of ND and PS. There is an increase in the abuse of Amphetamine Type Stimulants (ATS) and a concomitant diversion of Ephedrine and Pseudoephedrine salts and preparations from licit sources to illicitly manufacture Amphetamine or Methamphetamine and other ATS.

Chapter 24

REWARD TO INFORMERS AND OFFICERS

The Administration of the NDPS Act 1985 is under the Department of Revenue (DOR), Ministry of Finance (MOF), Government of India. The department has a Reward Policy which covers The NDPS Act, The Customs Act and The Central Excise Act. The present Reward Policy, in force since 1985, has been amended from time to time. Under this policy, reward is admissible to government servants and informers.

Criteria: Reward cannot be claimed as a matter of right. The authority competent to grant reward keeps in mind the specificity and accuracy of information, the risk and trouble undertaken and the extent of help rendered by the informer, the clues available regarding associates, assets, risk involved to government servants, the difficulty in securing information and investigations, special initiative, drive and ingenuity displayed by officers, etc.

Amount: The amount of reward depends on the quantity of the drug seized and are as follows: Rs 220 /kg of Standard Opium containing 9.5% or more of Anhydrous Morphine; Rs 8,000/kg of Morphine Base and its salts containing 90% or more

of Anhydrous Morphine; Rs 20,000/kg of Heroin and its salt containing 90% or more of Anhydrous Di Acetyl Morphine; Rs 40,000/kg of Cocaine & its salts containing 90% or more of Anhydrous Cocaine; Rs 400/kg of Hashish containing 4% THC or more; Rs2,000/kg of Hashish Oil with THC content of 20% or more; Rs 80/kg of commercially acceptable Ganja and Rs 500/kg of Mandrax tablets with presence of Methaqualone. The amount reduces pro rata depending on the purity of the drugs seized.

Sanctioning Authority: The Heads of Departments can sanction up to Rs 5 lakh to informers and Rs 10,000 each to government servants in a case. Rewards in excess of this limit are decided by the Reward Committee. The HOD of Departments in State Government/UTs can sanction reward not exceeding Rs. 10,000 to a government servant in each case. All cases of grant of rewards to informers in excess of Rs 5 lakh and government servants in excess of Rs 10,000 are considered and sanctioned by a Reward Committee in NCB Hqrs or a Committee consisting of Member, CBEC/Additional Secretary, DG NCB and Narcotics Commissioner or a Representative of the Seizing Agency. Higher amounts of reward are examined by CBEC and approved by the Revenue Secretary.

Rewards to informers and officers in NDPS cases can be paid as a onetime measure soon after complaint is filed in the court. Financial Investigation must be completed to be eligible for consideration of reward.

Ceilings: Normally, an amount of RS 1 lakh only is granted to an officer in a case. However, larger rewards can be considered by CBEC on recommendation of the Reward Committee in cases of exceptional nature. During one's entire career, an officer can be granted a maximum reward not exceeding Rs 15 lakh.

Other Factors: In cases, where informer is cultivated by one agency but seizure on the basis of that information is effected by another agency, the latter will forward the reward amount by cheque or draft to the first agency for disbursement to the informer. After disbursement, the HOD of the first agency will forward a Disbursement Certificate in Annexure A to the Sanctioning Authority.

Illicit Cultivation: In case of detection and eradication of Illicit narcotic plants, the sanctioning authority under Reward Rules takes into account the potential yield that would have been produced if not destroyed for the purpose of determining the quantum of reward (Ref MOF/DOR F.no.R13011/5/88.AdV dt 27.4.89).

Busting of Labs and Syndicates: For cases involving neutralization of drug syndicates and detection and busting of clandestine drug labs, the matter is referred to CBEC for constitution of an Ad Hoc Reward Committee which will determine the reward amount on merit (Ref. MOF/DOR F.no.R13011/5/88. AdV dt 17.5.89).

Chapter 25

DUTY, ETHICS AND LAW

The DLEO enjoys certain powers under the NDPS Act as explained in previous chapters. However, this power has to be exercised judiciously while upholding the rule of law. Ethics and integrity is not only a moral requirement but also a legal necessity.

Legal Provisions: Do note that higher punishment is attracted if the offender holds a public office under Section 32B of the NDPS Act. There is punishment of imprisonment and fine in cases of vexatious entry, search or arrest by the DLEO under Section 58 of the NDPS Act. Failure of the DLEO in duty or his willful aid and connivance in the drug crime is punishable with rigorous imprisonment for minimum 10 years under Section 59 of the NDPS Act.

Good Faith: Protection to the DLEO for his actions are available under the Good Faith Provision of Section 69 of the NDPS Act only when the action or omission can truly said to be in the nature of discharge of his official duties.

Avoid Entrapments: The NDPS Act has very stringent provisions and it is very natural that a person accused of an offence under the Act will do

everything in his power and possession to convince the DLEO to be soft or lenient and overlook or even allow him to flee. The DLEO should not succumb to such entrapments.

While cultivating informers and gathering information, the DLEO will come across informers who will provide information about drug trafficking on the condition that the DLEO should give a part of the drugs and/or money recovered to the informer as his reward on the spot. The DLEO should not give in to such type of demands thinking that a good seizure justifies such compromise.

Transparency: It is customary for the DLEO to face accusations of applying force, unauthorized entry, misbehavior to and molestation of women, false implication by planting goods or evidence, theft of valuables, etc. during search and interdiction operations. He should be careful and conduct himself and the operations in such a way that entire process is as per law, transparent, well-documented and witnessed by independent respectable persons available in the area.

Integrity: The DLEO must maintain integrity not only during search and arrest operations but also during subsequent investigations which will discover important clues regarding associates, accomplices,

assets, money laundering, etc. It is likely to present many opportunities of getting influenced by the affected persons.

Team Issue: In preventive operations, integrity is not only an individual matter but the conduct and behavior of other team members is also important. The supervisory DLEO or the team leader should emphasize how best the operation should be conducted by assigning specific roles to each team member and specifically enjoining them to maintain absolute integrity during each stage of the operation.

Reporting: Cases of lack of integrity, loss of character, instances of gross moral turpitude and abuse of power for personal gain should immediately be reported. Timely reporting helps the Department to take appropriate action in the matter and also to build a robust internal vigilance mechanism.

ANNEXURES

IMPORTANT SPECIMEN FORMATS

- I. NCB-I- INFORMATION REPORT
- II. SEARCH AUTHORIZATION U/S 41(2) OF THE NDPS ACT 1985
- III. NOTICE U/S 67 OF THE NDPS ACT 1985
- IV. NOTICE UNDER SECTION 50 OF THE NDPS ACT, 1985
- V. ARREST MEMO
- VI. JAMA TALASHI
- VII. FORM F
- VIII. HISTORY SHEET

NOTIFICATIONS SPECIFYING SMALL QUANTITY AND LARGE QUANTITY

- IX. NOTIFICATION NO S.O.1055 (E) DATED 19.10.2001 (238 ENTRIES)
- X. S.O 1430 (E) DATED 21.6.11 (5 ENTRIES FROM 238A TO 238E)

SCHEDULE OF CONTROLLED SUBSTANCES

NCB OFFICES DIRECTORY

ANNEXURE-I

FORM : NCB-1

Name of Organization/Office/Unit with Address
Place : (where information recorded.)

INFORMATION REPORT

Code No. of informer.....Time:.....Date.....

1. Name of Narcotics Drug/Psychotropic Substance/
Controlled Substance :

2. Value (where possible) : Rs.

3. Name of the suspects with identifiable:
.....details and address.

4. Place /Places where Narcotics Drug /psychotropic
substance kept.
.....

5. Proposed action :

INFORMATION RECORDED

(give a gist of information recorded or add a separate sheet for the same)

Signature

Name

Designation.....

ANNEXURE-II

NAME OF ORGANIZATION

OFFICE/UNIT

(Mention complete address/contact number)

(Authorization to search premises u/s 41(2) of The NDPS Act 1985)

To

(Mention name and designation of the officer being authorized to conduct search)

.....
.....
.....

Whereas from the information laid before me it transpires that an offence in respect of Narcotic Drugs / Psychotropic Substances / Controlled Substances has been committed in contravention of the provisions of the NDPS Act 1985 and that there is a reasonable belief that such substances and other articles, things, documents which may provide evidence of the contravention of the Act and of holding illegally acquired property which are liable to seizure/forfeiture under Chapter VA of the Act are kept and concealed in the premises/at

.....
under control and occupation of Shri.....S/o,

Now, therefore, by virtue of the power vested in under Section 41(2) of the NDPS Act, 1985, you are hereby authorized to search the aforesaid premises by day or by night and seize such substance, articles, things, documents and inform the undersigned about the result of the search and action taken in respect of substance, articles, things, documents recovered therefrom.

Valid for day.

Issued on

(Signature)

Name and designation of the Gazetted officer

Office Seal

ANNEXURE-III

NAME OF ORGANIZATION

OFFICE/UNIT

(Mention complete address/contact number)

(Notice u/s 67 of The NDPS Act 1985)

To

.....
.....

Whereas an enquiry in connection with the contravention of the provisions of the NDPS Act & Rules and Orders made thereunder in respect of / seizure of ----- (mention the details of ND,PS or CS) is being conducted by the undersigned under Section 53(1) of the Act;

Whereas, as per Section 67 of the Narcotics Drugs and Psychotropic Substances Act, 1985, any officer, referred to in Section 42 of the said Act, who is authorized in this behalf by Central Government may during the course of any enquiry in connection with the contravention of any provisions of the Narcotics Drugs and Psychotropic Substances Act, 1985:-

- (a) Call for information from any person for the purpose of satisfying himself whether there has been any contravention of any provision.

- (b) Require any person to produce or deliver any document of this useful or relevant to the enquiry.
- (c) Examine any person acquainted with the facts and circumstances of the case.

Accordingly, you are hereby directed by the undersigned under the powers vested in him under Section 67 of the Narcotics Drugs and Psychotropic Substances Act, 1985 to appear before him in person for such an examination at hrs. on at (address)

..... and produce the following information/documents/ things, to the undersigned at the given address by yourself, or through authorized person or by registered post.

List of Documents :

1

2

3

Issued on

Signature

Name

Designation

Seal

ANNEXURE-IV

NAME OF ORGANIZATION

OFFICE/UNIT

(Mention complete address/contact number)

(Notice u/s 50 of The NDPS Act, 1985).

To

Sub : Notice under Section 50 of The NDPS Act, 1985).

Sir,

Whereas there is reason to believe that Narcotic Drugs/Psychotropic Substances/Controlled Substances and/or documents, articles and things which may furnish evidence of commission of an offence under the NDPS Act, 1985 are in your possession, therefore, your personal search is to be conducted by the undersigned. If you so require, such search will be conducted in presence of the nearest Gazetted Officer or Magistrate.

Date :

Signature

(Name & Designation of Officer)

Statement of(the Person about to be searched)

I have been informed and have understood the Notice of Personal Search under Section 50 of the NDPS Act. I require/do not require that my personal search may be conducted in presence of the nearest Gazetted Officer or Magistrate.

Signature and Name of the Person

Witnesses:

- 1.
- 2.

**NAME OF ORGANIZATION
OFFICE/UNIT**

(Mention complete address/contact number)

ARREST MEMO

Consequent upon the recovery and seizure of ...
.....
.... from possession of Shri
..... on
..... and also based on preliminary investigations
including statement of Shri
datedu/s 67 of NDPS Act 1985,
it transpires that Shri age about
..... years S/o Shri
..... R/o has
committed an offence punishable under Section 16
/17/18/19/20/21/22/23/24/25/26/27/27A/28/29/
30/31 (Strike out if not applicable to the case) read
with Section 8 of NDPS Act 1985.

Accordingly, Shri
S/o has been
placed under arrest at about hrs
on He has been explained the
grounds of his arrest.

Signature

Name

Designation.....

I have been explained the grounds of my arrest.
The fact of my arrest has been witnessed by
Shri S/o R/o
..... who is my friend /relative.

Received copy of arrest Memo.

Signature of the arrested person

Counter Signature of Witness

**NAME OF ORGANIZATION
OFFICE/UNIT
(Mention complete address/contact number)**

JAMA TALASHI

Subsequent to the arrest of Shri.....
S/o Shri, R/o
..... his 'Jama Talashi' was conducted in the
presence of two witnesses and the following items
have been recovered from his possession:-

1. -----
2. -----
3. -----
4. -----

Signature

Name, Designation of Officer

(1) (2)
(Witness) (Witness)

Signature of the Arrestee

Name

Designation.....

FORM : 'F'

(SEIZURE REPORT OF NARCOTIC DRUGS,
PSYCHOTROPIC SUBSTANCES,
CONTROLLED SUBSTANCES)

(To be forwarded within 48 hours of the Seizure to
DG, NCB)

1. NAME OF SEIZING AGENCY:
2. DATE OF SEIZURE:
3. PLACE OF SEIZURE:
5. QUANTITY SEIZED

	KGs.	GRAMS	MILIGRAMS
(i) OPUIM
(ii) MORPHINE
(iii) HEROIN
(iv) GANJA
(v) CHARAS (HASHISH)
(vi) COCAINE
(vii) ECSTASY

- viii) METHAQUALONE/MANDRAX.....
 - (ix) CONTROLLED
SUBSTANCES(*) (PRECURSORS)
(*)ACETIC ANHYDRIDE / N-ACETYLANTHRANILIC
ACID / EPHEDRINE / PSEUDO EPHEDRINE &
ANTHRANILIC ACID
 - (x) PSYCHOTROPIC SUBSTANCES
 - (xi) KETAMINE
 - (xii) PHARMACEUTICAL PREPARATIONS CONTAINING
NARCOTICS DRUGS & PSYCHOTROPIC SUBSTANCES
.....
 - (xiii) AMPHETAMINE TYPE STIMULANTS (ATS)
.....
 - (xiv) LSD
 - (xv) ANY OTHER DRUG/CHEMICAL
5. PACKING/MARKING, IF ANY:
 6. SECTION OF THE NDPS/OTHER ACTS (DRUGS &
COSMETIC ACT, CUSTOMS ACT, PMLA, STATE
EXCISE ACT, ETC.) UNDER WHICH OFFENCE IS
COMMITTED:
 7. ADDRESS OF THE PREMISES WHERE SEIZURE
EFFECTED:
 8. WHETHER SEIZED FROM A FACTORY/ILLICIT
LABORATORY:
(IF SO, DETAILS THEREOF)

9. PRICE OF SEIZED DRUGS
 - (A) AT THE PLACE OF ORIGIN/SOURCE:
 - (B) WHOLE SALE :
 - (C) RETAIL (STREET LEVEL):
10. IF SEIZED AT AIRPORT/RAILWAY STATION /BUS STAND ETC:
 - (i) FLIGHT /TRAIN/BUS ROUTE
 - (ii) ARRIVAL/DEPARTURE
 - (iii) ORIGIN/DESTINATION
11. MODE OF TRANSPORT-AIR/ROAD/ COURIER:
 - (i) REGISTRATION NO. OF THE VEHICLE :
 - (ii) MAKE : MODEL :
 - (iii) NAME & ADDRESS OF THE OWNER
12. SUSPECTED SOURCE OF THE SEIZED DRUG/ CONTROLLED SUBSTANCES:
(COUNTRY/PLACE AND NAME/PERSON NAME):
13. SUSPECTED DESTINATION OF THE SEIZED DRUG/CONTROLLED SUBSTANCES (COUNTRY/ PLACE NAME/PERSON NAME):
14. MODUS OPERANDI/CONCEALMENT (SPECIFY THE DETAILS OF MODUS OPERANDI NOTICED):
15. NEW METHOD OF DIVERSION OF PRECURSORS AND ILLICIT MANUFACTURE

16. PARTICULARS OF THE OFFENDER / PERSON ARRESTED (FILL UP SEPARATE SHEET IF PERSONS ARRESTED ARE MORE THAN ONE):

(i) NAME :

(ii) ALIAS (IF ANY):

(iii) SEX: MALE/FEMALE

(iv) PROFESSION–BUSINESS/STUDENT/
LABOUR, ETC:

(v) FATHER’S NAME:

(vi) AGE/DATE OF BIRTH:

(vii) ADULT OR MINOR (BELOW 18 YEARS):

(viii) NATIONALITY:

(ix) PASSPORT/IDENTITY CARD/PAN NO, ETC:

(x) DATE & PLACE OF ISSUE:

(xi) ADDRESS (INDICATE THE POLICE STATION
AND POST OFFICE WITHIN WHICH THE
PERSON HAS RESIDENCE: PO, PS :

17. WHETHER TRAFFICKER/ CARRIER/DRUG
PEDDLER/DRUG ADDICT:

18. PREVIOUS INVOLVEMENT IN DRUG
TRAFFICKING OR OTHER CRIMINAL CASES :

19. WHETHER MEMBER OR PART OF DRUG
SYNDICATE/CARTEL/GANG
(IF SO, PROVIDE DETAILS):

20. WHETHER DETAINED UNDER THE PITNDPS ACT EARLIER (IF SO, FURNISH DETAILS):
21. PARTICULARS OF ACCOMPLICES NAMED BY THE OFFENDER / ARRESTED PERSONS (FILL UP SEPERATE SHEET FOR EACH ACCOMPLICE)
- (i) NAME :
 - (ii) ALIAS (IF ANY):
 - (iii) SEX: MALE/FEMALE
 - (iv) PROFESSION–BUSINESS/STUDENT/ LABOUR, ETC:
 - (v) FATHER’S NAME:
 - (vi) AGE/DATE OF BIRTH:
 - (vii) ADULT OR MINOR (BELOW 18 YEARS):
 - (viii) NATIONALITY:
 - (ix) PASSPORT/IDENTITY CARD/PAN NO, ETC:
 - (x) DATE & PLACE OF ISSUE:
 - (xi) ADDRESS (INDICATE THE POLICE STATION AND POST OFFICE WITHIN WHICH THE PERSON HAS RESIDENCE):
22. BRIEF FACTS OF THE CASE (NARRATE THE EVENTS STARTING FROM RECEIPT ON INTELLIGENCE (IF ANY) AND ANY FACTS OF INTEREST FROM VERIFICATION ANGLE):
23. DETAILS OF PROPERTY SEIZED/FORFEITED:

24. NAME, DESIGNATION AND PART PLAYED BY THE OFFICERS IN THE SEIZURE CASE:
25. ANY EMERGENCE/FORMATION OF NETWORK/GANGS & INTERLINKAGE
(IF SO, PROVIDE DETAILS):
26. WHETHER JOINT INTERROGATION DONE AND INPUT SHARED WITH CONCERNED ENFORCEMENT AGENCIES (IF SO, PROVIDE DETAILS)
27. SEND FOLLOW UP ACTION/INVESTIGATION REPORT IN RESPECT OF THE FOLLOWING WITHIN 30 DAYS:
 - (i) PURITY PERCENTAGE OF SEIZED DRUGS
 - (ii) ADULTERANTS/DILUTANTS
 - (iii) RESULTS OF FINANCIAL INVESTIGATIONS
 - (iv) LINKAGES OF NARCO-TERRORISM AND MONEY LAUNDERING
 - (v) ACTION AGAINST MEMBERS OF GANG/SYNDICATES
 - (vi) DETAILS OF ACTION INITIATED BY INCOME TAX / ENFORCEMENT DIRECTORATE OF REVENUE INTERLLIGENCE AND CUSTOMS

(vii) INTERFACE WITH OTHER AGENCIES IN
INDIA/ABROAD

C.R. No.

DATED:

SIGNATURE AND DESIGNATION

THIS REPORT SHOULD BE FORWARDED TO THE
DIRECTOR GENERAL, NARCOTICS CONTROL
BUREAU, WEST BLOCK-I, WING NO. V, R.K. PURAM,
NEW DELHI-110066 WITHIN 48 HOURS OF THE
SEIZURE, FAX NO. 011-26185240

ANNEXURE-VIII

HISTORY SHEET

Crime no.....

F. No.

Accused No.....

Sl. No.	Details required for	Data in detail
1.	<i>Name of Accused</i>	
2.	<i>Alias Names, if any</i>	
3.	<i>Nationality</i>	
4.	<i>Father's / Husband's name</i>	
5.	<i>Date of Birth</i>	
6.	<i>Address 1</i>	
7.	<i>Address 2</i>	
8.	<i>Colour of Eyes</i>	
9.	<i>Colour of Hair</i>	
10.	<i>Built</i>	
11.	<i>Complexion</i>	
12.	<i>Height in CMS</i>	
13.	<i>Weight Kgs.</i>	
14.	<i>Identification Mark 1</i>	
15.	<i>Identification Mark 2</i>	
16.	<i>Cellphone & Landline Phone No.</i>	
17.	<i>Passport No.</i>	
	<i>Place of issue</i>	
	<i>Date of issue</i>	
18.	<i>Country ID No. / Voter ID No./ DL No.</i>	
	<i>Place of issue</i>	
	<i>Date of issue</i>	
19.	<i>PAN No. & Date of Issue</i>	

20.	<i>Bank Details</i>	
21.	<i>Bank Cards Details</i>	
22.	<i>Profession</i>	
23.	<i>Vehicles Owned</i>	
24.	<i>Details of properties owned by him/ spouse & relatives</i>	
25.	<i>Offences committed : In addition to attempt to commit drug offence and conspiracy, he has Supplied / Procured / Possessed / Financed / Transported / Used Vehicle or residential premises / already exported or imported in earlier offences/ others, specify</i>	
26.	<i>Major role played : Financier / Supplier / Procurer / Recipient /Transporter / Carrier / Conspirator</i>	
27.	<i>Sections charged</i>	<i>Sec. 8(c) r/w Secs. ----- of NDPS Act 1985 as amended</i>
28.	<i>Date & Time of Arrest</i>	
29.	<i>Other involvements, if any</i>	
30.	<i>Associates</i>	
31.	<i>Name of jail lodged</i>	
32.	<i>Name of Trial Court</i>	
33.	<i>Any other information</i>	
34.	<i>Whether Photographs of Modus Operandi / accused taken ?</i>	
35.	<i>Whether fingerprints collected ?</i>	

Signature, Name & Designation
Office Address

ANNEXURE-IX**TABLE OF SMALL AND COMMERCIAL QUANTITIES
(Notification No S.O. 1055(E) dated 19-10-2001)**

Sl. No.	Name	Small qty (in gm)	Large qty
1	ACETORPHINE	2	50 gm.
2.	ACETYL-ALPHA-METHYLFENTANYL	0 005	0.1 gm.
3.	ACETYL DIHYDRO CODEINE	5	100 gm.
4.	ACETYLMETHADOL	2	50 gm.
5.	ALFENTANIL	0 005	0.1 gm.
6.	ALLYPRODINE	2	50 gm.
7.	ALPHACETYL METHADOL	5	100 gm.
8.	ALPHAMEPRODINE	2	50 gm.
9	ALPHAMETHADOL	2	50 gm
10.	ALPHA -METHYLFENTANYL	0.005	0.1 gm.
11.	ALPHA-METHYLTHIOFENTANYL	0 005	0 1 gm
12.	ALPHAPRODINE	5	100 gm.
13.	ANILERIDINE	2	50 gm.
14.	BENZETHIDINE	5	100 gm
15.	BENZYLMORPHINE	2	50 gm.
16.	BETACETYLMETHADOL	2	50 gm.
17.	BETA-HYDROXYFENTANYL	0 005	0.1 gm.
18.	BETA-HYDROXY-3-METHYL FENTANYL	0.005	0.1 gm.
19.	BETAMEPRODINE	5	100 gm
20.	BETAMETHADOL	2	50 gm.
21.	BETAPRODINE	5	100 gm

22.	BEZITRAMIDE	5	100 gm
23.	CANNABIS AND CANNABIS RESIN	100	1 kg
24.	CLONITAZENE	2	50 gm.
25.	COCA DERIVATIVES (EXCLUDING COCAINE AND ITS SALTS)	2	50 gm.
26	COCA LEAF	100	2 kg.
27	COCAINE	2	100 gm.
28	CODEINE	10	1 kg
29.	CODOXIME	5	100 gm.
30	CONCENTRATE OF POPPY STRAW	20	500 gm.
31.	DESOMORPHINE	2	50 gm.
32.	DEXTROMORAMIDE	1	20 gm
33.	DEXTROPROPOXYPHENE	20	500 gm.
34.	DIAMPROMIDE	2	50 gm.
35	DIETHYL THIAMBUTENE	5	100 gm.
36	DIFENOXIN	2	50 gm.
37	DIHYDROCODEINE	10	200 gm.
38	DIHYDROMORPHINE	5	100 gm.
39.	DIHYDROXY DIHYDRO MORPHINONE	1	20 gm
40.	DIMENOXDOL	2	50 gm.
41.	DIMEPHEPTANOL	5	100 gm.
42.	DIMETHYLTHIAMBUTENE	5	100 gm.
43	DIOXAPHETYL BUTYRATE	2	50 gm.
44.	DIPHENOXYLATE	2	50 gm.
45	DIPIPANONE	5	100 gm.

46.	DROTEBANOL	1	20 gm.
47.	ECGONINE	2	50 gm.
48.	ETHYLMETHYL THIAMBUTENE	2	50 gm.
49.	ETHYLMORPHINE	10	200 gm.
50.	ETONITAZENE	2	50 gm.
51.	ETORPHINE	5	100 gm.
52.	ETOXERIDINE	2	50 gm
53.	FENTANYL	0.005	0.1 gm
54.	FURTHIDINE	1	20 gm.
55.	GANJA	1000	20 kg
56.	HEROIN(DIACETYL MORPHINE)	5	250 gm.
57.	HYDROCODONE	1	20 gm.
58.	HYDROMORPHINOL	2	50 gm.
59.	HYDROMORPHONE	1	20 gm
60.	HYDROXYPETHIDINE	5	100 gm.
61.	ISOMETHADONE	2	50 gm.
62.	KETOBEMIDONE	2	50 gm.
63.	LEVOMETHORPHAN	2	50 gm.
64.	LEVOMORAMIDE	2	50 gm.
65.	LEVOPHENACYLMORPHAN	2	50 gm.
66.	LEVORPHANOL	1	20 gm.
67.	METAZOCINE	5	100 gm
68.	METHADONE	2	50 gm.
69.	METHADONE INTERMEDIATE	2	50 gm.
70.	METHYLDESORPHINE	2	50 gm.

71.	METHYL DIHYDRO MORPHINE	2	50 gm.
72.	3-METHYLFENTANYL	0 005	0.1 gm.
73.	3-MELHYLTHIOFENTANYL	0.005	0.1 gm.
74.	METOPON	2	50 gm
75.	MORAMIDE INTERMEDIATE	5	100 gm
76.	MORPHERIDINE	2	50 gm
77.	MORPHINE	5	250 gm.
78.	MORPHINE METHOBROMIDE	2	50 gm.
79.	MORPHINE-N-OXIDE	2	50 gm
80.	MPPP	2	50 gm.
81.	MYROPHINE	5	100 gm.
82.	N-CYCLOPROPYL METHYL-7, 8-DIHYDRO-7 -(L-HYDROXY-L METHYL- ETHYL) O METHYL-6- 14-ENDOETHANONORMORPHINE	5	100 gm.
83.	NICOCODINE	10	200 gm.
84	NICODICODINE	5	100 gm.
85.	NICOMORPHINE	2	50 gm.
86.	NORACY METHADOL	2	50 gm.
87.	NORCODEINE	5	100 gm.
88.	NORLEVORPHANOL	2	50 gm.
89.	NORMETHADONE	5	100 gm.
90.	NORMORPHINE	2	50 gm.
91.	NORPIPANONE	5	100 gm.
92.	OPIUM AND ANY PREPARATION CONTAINING OPIUM	25	2.5 kg

93.	OPIUM DERIVATIVES (OTHER THAN DIACETYL MORPHINE (HEROIN), MORPHINE AND THOSE LISTED HERE IN.)	5	250 gm.
94.	OXYCODONE	2	50 gm.
95.	OXYMORPHONE	2	50 gm.
96.	PARA- FLUOROFENTANYL	0.005	01 gm.
97.	PEPAP	2	50 gm.
98.	PETHIDINE	10	200 gm.
99.	PETHIDINE INTERMEDIATE A	10	200 gm.
100.	PETHIDINE INTERMEDIATE B	10	200 gm.
101	PETHIDINE INTERMEDIATE C	to	200 gm.
102	PHENADOXONE	5	100 gm.
103.	PHENAMPROMIDE	5	100 gm.
104.	PHENAZOCINE	1	20 gm.
105	PHENOMORPHAN	5	100 gm
106.	PHENOPERIDINE	2	50 gm.
107.	PHOLCODINE	5	100 gm.
108.	PIMINODINE	5	100 gm.
109.	PIRITRAMIDE	2	50 gm.
110.	POPPY STRAW	1000	50 kg.
111	PREPARATIONS MADE FROM THE EXTRACT OF TINCTURE OF INDIAN HEMP	5	100 gm.
112.	PROHEPTAZINE	2	50 gm.
113.	PROPERIDINE	2	50 gm
114.	PROPIRAM	10	200 gm.
115.	RACEMETHORPHAN	2	50 gm.

116.	RACEMORAMIDE	2	50 gm.
117.	RACEMORPHAN	2	50 gm.
118.	SUFENTANIL	0.005	0.1 gm.
119.	THEBACON	2	50 gm.
120.	THEBAINE	2	100 gm.
121.	THIOFENTANYL	0.005	0.1 gm.
122.	TILIDINE	10	200 gm.
123.	TRIMEPERIDINE	10	200 gm.
124.	BROLAMFETAMINE	0.5	10 gm.
125.	CATHINONE	2	50 gm.
126.	DET {3-[2-(DZIETHYLAMINO) ETHYL]INDOLE, N,N, DIETHYLTRYPTAMINE}	0.1	2 gm.
127.	DMA{(+) -2, 5-DIMETHOXY-ALPHA-METHYLPHENETHYLAMINE}	0.5	10 gm.
128.	DMHP{3-(L,2-DIMETHYLHEPTYL)-7, 8, 9, 10- TETRAHYDRO-6,6,9-b,d TRIMETHYL-6H-DIBENZO (b, d) PYRAN-1-OL	2	50 gm.
129.	DMT {3-[2-(DIMETHYLAMINO) ETHYL INDOLE. N, N, DIMETHYLTRYPTAMINE}	0.1	2 gm.
130.	DOET {(+)-4-ETHYL-1, 5-DIMETHOXY-ALPHA-PHENETHYLAMINE	0.5	10 gm.
131.	ETICYCLIDINE {PCE}	2	50 gm.
132.	ETRYPTAMINE	2	50 gm.
133.	(+) LYSERGIDE, (LSD, LSD-25)	0.002	0.1 gm.
134.	MDMA, ECSTACY	0.5	10 gm.

135.	MESCALINE	5	100 gm.
136.	METHCATHINONE	2	50 gm.
137.	(+)-CIS-2-AMINO-4-METHYL-5-PHENYL-2-OXAZOLINE	0.5	10 gm.
138.	MMDA, ECSTACY	0.5	10 gm.
139.	4-MTA	0.5	10 gm.
140.	N-ETHYL MDA	0.5	10 gm.
141.	N-HYDROXY MDA	0.5	10 gm.
142.	PARAHEXYL	2	50 gm
143.	PMA	0.5	10 gm
144.	PSILOCINE, PSILOTSIN	2	50 gm.
145.	PSILOCYBINE	2	50 gm.
146.	ROLICYCLIDINE (PHP,PCPY)	2	50gm.
147	STP, DOM	0.5	10gm.
148	TENAMFETAMINE	0.5	10gm..
149	TENOCYCLIDINE	2	50gm.
150	TETRAHYDROCANNABINOL	2	50gm.
151	TMA	0.5	10gm.
152	AMFETAMINE	2	50gm.
153.	2C-B	0.5	10gm.
154	DEXAMFETAMINE	2	50gm.
155	FENETYLLINE	0.5	10gm.
156	LEVAMFETAMINE	2	50gm.
157	LEVAMFETAMINE	2	50gm.
158	MECLOQUALONE	20	500gm.

159	METAMFTAMINE	2	50gm.
160	METAMFETAMINE RACEMATE	2	50GM.
161	METHAQUALONE	20	500gm.
162	METHYLPHENIDATE	2	50gm.
163	PHENCYCLIDINE	2	50gm.
164	PHENMETRAZINE	5	100 gm.
165.	SECOBARBITAL	20	500 gm
166.	DRONABINOL	2	50 gm.
167.	ZIPEPROL	5	100 gm
168.	AMOBARBITAL	20	500 gm.
169.	BUPRENORPHINE	1	20 gm
170.	BUTALBITAL	20	500 gm
171.	CATHINE	2	50 gm
172.	CYLOBARBITAL	20	500 gm.
173.	FLUNITRAZEPAM	5	100 gm.
174.	GLUTETHIMIDE	20	500 gm.
175.	PENTAZOCINE	20	500 gm.
176.	PENTOBARBITAL	20	500 gm.
177.	ALLOBARBITAL	20	500 gm.
178.	ALPRAZOLAM	5	100 gm.
179.	AMFEPRAMONE	10	250 gm.
180.	AMINOREX	5	100 gm.
181.	BARBITAL	20	500 gm.
182.	BENZFETAMINE	20	500 gm.
183.	BROMAZEPAM	20	500 gm.

184.	BUTOBARBITAL	20	500 gm.
185.	BROTIZOLAM	5	100 gm
186.	CAMAZEPAM	20	500 gm.
187.	CHLORDIAZEPOXIDE	20	500 gm.
188.	CLOBAZAM	10	250 gm
189.	CLONAZEPAM	5	100 gm.
190.	CLORAZEPATE	10	250 gm.
191.	CLOTIAZEPAM	10	250 gm.
192.	CLOXAZOLAM	5	100 gm.
193.	DELORAZEPAM	5	100 gm
194.	DIAZEPAM	20	500 gm.
195.	ESTAZOLAM	5	100 gm.
196.	ETHCHLORVYNOL	20	500 gm
197.	ETHINAMATE	20	500 gm
198.	ETHYL LOFLAZEPATE	10	250 gm.
199.	ETILAMFETAMINE	2	50 gm.
200.	FENCAMFAMIN	2	50 gm.
201.	FENPROPOREX	2	50 gm.
202.	FLUDIAZEPAM	5	100 gm.
203.	FLURAZEPAM	5	100 gm
204.	GHB (γ -Hydroxybutyric Acid)	10	250 gm
205.	HALAZEPAM	20	500 gm
206.	HALOXAZOLAM	20	500 gm.
207.	KETAZOLAM	10	250 gm.
208.	LEFETAMINE	10	250 cm.

209.	LOPRAZOLAM	5	100 gm.
210.	LORAZEPAM	10	250 gm.
211.	LORMETAZEPAM	10	250 gm.
212.	MAZINDOL	10	250 gm.
213	MEDAZEPAM	20	500 gm.
214	MEFENOREX	2	50 gm.
215	MEPROBAMATE	20	500 gm.
216.	MESOCARB	5	100 gm.
217.	METHYLPHENOBARBITAL	20	500 gm
218.	METHYPRYLON	20	500 gm
219.	MIDAZOLAM	20	500 gm
220.	NIMETAZEPAM	10	250 gm
221.	NITRAZEPAM	20	500 gm
222.	NORDAZEPAM	20	500 gm
223.	OXAZEPAM	20	500 gm
224.	OXAZOLAM	20	500 gm
225.	PEMOLINE	2	50 gm
226.	PHENDIMETRAZINE	20	500 gm
227.	PHENOBARBITAL	20	500 gm
225	PHENTERMINE	20	500 gm
229.	PINAZEPAM	10	250 gm.
230	PIPRADROL	20	500 gm.
231.	PRAZEPAM	20	500 gm
232.	PYROVALERONE	2	50 gm.
233.	SEC BUTABARBITAL	20	500 gm.

234.	TEMAZEPAM	20	500 gm
235.	TETRAZEPAM	20	500 gm
236.	TRIAZOLAM	5	100 gm.
237.	VINYLBITAL	20	500 gm.
238.	ZOLPIDEM	10	250 gm.
239.	Any mixture or preparation that of with or without a natural material,of any of the above drugs	*	**

* lesser of the small quantity between the quantities given against the respective narcotic drugs or psychotropic substances mentioned above forming part of the mixture

** Lesser of the Commercial quantity between the quantities given against the respective narcotic drugs or psychotropic substances mentioned above forming part of the mixture.

Note:—1. The small quantity and the commercial quantity given against the respective drugs listed above apply to isomers, within specific chemical designation, the esters, ethers and salts of these drugs, including salts of esters, ethers and isomers; whenever existence of such substance is possible.

2. The quantities shown against the respective drugs listed above also apply to the preparations of the drug and the preparations of substances of note 1 above

3 “Small Quantity” and “Commercial Quantity” with respect to cultivation of opium poppy is not specified separately as the offence in this regard is covered under clause (c) of section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

ANNEXURE-X

TABLE OF SMALL AND COMMERCIAL QUANTITIES Addition of 5 substances by Notification No S.O 1430(E) dated 21-06-2011

Sl. No.	Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name)	Small Quantity (in gm.)	Commercial Quantity (in gm./kg.)
238A.	Dihydroetorphine	0.01	0.5 gm.
238B.	Oripavine	2	100 gm.
238C.	Remifentanil	0.004	0.2 gm.
238D.	Amineptine	20	1kg.
238E.	Ketamine	10	500 gm.

LIST OF CONTROLLED SUBSTANCES

CLAUSE 2 (D) OF THE NDPS (RCS) Order, 2013- Schedule to G.S.R.191(E) dated 26.03.2013

SCHEDULE-A (Schedule-A substances are those controlled substance whose manufacture, distribution, Sale, purchase, possession, storage and consumption are subject to control as specified in this Order.)

1. Acetic anhydride
2. N-Acetylanthranilic acid
3. Anthranilic acid
4. Ephedrine and its salts
5. Pseudoephedrine and its salts

SCHEDULE-B (Schedule-B substances are those controlled substance whose export from India is subject to controls as specified in this Order.)

1. Acetic anhydride
2. N- Acetylanthranilic acid
3. Anthranilic acid
4. Ephedrine, its salts and preparations thereof
5. Ergometrine and its salts
6. Ergotamine and its salts
7. Isosafrole
8. Lysergic acid and its salts
9. 3,4-methylenedioxyphenyl-2-propanone
10. Methyl ethyl ketone

11. Norephedrine (Phenylpropanolamine), its salts and preparations thereof
12. 1-Phenyl -2-propanone
13. Phenylacetic acid and its salts
14. Piperonal
15. Potassium permanganate
16. Pseudoephedrine, its salts and preparations thereof
17. Safrole and any essential oil containing 4% or more safrole

SCHEDULE-C (Schedule-C substances are those controlled substance whose import into India is subject to control as specified in this Order.)

1. Acetic anhydride
2. N-Acetylanthranilic acid
3. Anthranilic acid
4. Ephedrine, its salts and preparations thereof
5. Ergometrine and its salts
6. Ergotamine and its salts
7. Isosafrole
8. Lysergic acid and its salts
9. 3,4-Methylenedioxyphenyl-2-propanone
10. Methyl ethyl ketone
11. Norephedrine (Phenylpropanolamine), its salts and preparations thereof
12. 1-Phenyl-2-propanone
13. Phenylacetic acid and its salts
14. Piperonal

15. Potassium permanganate
16. Pseudoephedrine, its salts and preparations thereof
17. Safrole and any essential oil containing 4% or more safrole

NCB OFFICES - DIRECTORY

Sl. No.	Name & Address of Office	Officer	Tel. Off./ Mobile
1	NARCOTICS CONTROL BUREAU, HQRS OFFICE (Ministry Of Home Affairs) West Block No.1, Wing No.V R.K. Puram, New Delhi-110066	Director General Dy. Director General (Hqrs & Co-ord) Dy. Director General(Ops) Dy.Director(Ops) Dy.Director (pol. & Co-ord) Asst.Director (Ops)	011-2617-2089 011-2610-5747 (Fax) 011-2618-1090 011-6185240 (Fax) 011-2618-5209 011-2617-4374 011-2618-5226 011-2618-5227 011-2610-1141
2	DY. DIRECTOR GENERAL (South-West Region) Exchange Building, Sprrott Road, 3rd Floor,Ballard Estate, Mumbai-400001	Dy. Director General (South West Region)	022-22620061 022-22620062 (T/F)
3	DY. DIRECTOR GENERAL (Eastern Region) 4/2 ,Karaya Road, 3 Rd Floor, Kolkata-700017	Dy. Director General (Eastern Region)	033-2280 8933 033-2280 8932 (Fax)
4	DY. DIRECTOR GENERAL (Northern Region) West Block-1, Wing No. VII, R.K. Puram, New Delhi-110066	Dy. Director General (Northern Region)	011-26179155 011-26179154 (Fax)
5	CHANDIGARH ZONAL UNIT Udhyog Path, Sector-25 (West), Near Chitkara International Public School Chandigarh-160014	Zonal Director	0172-2779731
		Superintendent	0172-2780109

6	AMRITSAR SUB ZONAL UNIT B-20,New Amritsar Colony, Amritsar, Punjab	Asst. Director	0183-2704900
		Superintendent	0183-2704900
7	MANDI SUB ZONAL UNIT House No. 307/12, Magwain, Ram Nagar, Mandi, H.P-175001	Superintendent	0190-5221240
8	JAMMU ZONAL UNIT H.No.-1, Lane No.-1, Muthi camp, Jammu	Assistant Director	0191-2520 181 0191-2598 029 (Fax)
		Superintendent	0191-2542695
9	JODHPUR ZONAL UNIT Sector 18/E, Chopasani Housing Board, Jodhpur (Rajasthan)-342003	Zonal Director	0291-2710 082 0291-2510 092 (Fax)
		Superintendent	0291-2710-082
10	LUCKNOW ZONAL UNIT 912,Sector-A, CID Colony, Mahanagar, Lucknow-16	Zonal Director	0522-2339410 0522-2339411 (Fax)
		Superintendent	0522-2339412
11	DEHRADUN SUB ZONAL UNIT House No. 123B/v, Summeru, Rajeshwar Nagar, Phase 1, Sahasstradhara Road, Dehradun, Uttarakhan-248001	Superintendent	0135-2608 873
12	DELHI ZONAL UNIT West Block-1, Wing No. VII, R.K. Puram, New Delhi-110066	Zonal Director	011-2618 6283 011-26170487 011-2618 1449 (Fax)
		Superintendent	011-26177347
13	GUWAHATI ZONAL UNIT Rupkanwar Path, Chachal Hengrabari, P.O. Khanapara Guwahati-781022	Assistant Director	0361-2224375/78 0361-2229376 (TeleFax)
		Superintendent	0361-2229376
14	IMPHAL SUB ZONAL UNIT Ragailong, Near Manipur Police (Commando) Complex, Imphal-795001, (Manipur)	Asst. Director	0385-2422748 0385-2422758 (Fax)
		Superintendent	0385-2422750

15	KOLKATA ZONAL UNIT 4/2 Karaya Road, 3rd Floor, Kolkata-700017	Zonal Director	033-22891963 033-22891957 (Fax)
		Superintendent	033-22891962 033-22891957 (Fax)
16	BHUBANESWAR SUB ZONAL UNIT, Kalinga Vihar Zone: K-V Patrapada, Bhubaneshwar-751019	Superintendent	0674-2475531 0674-2475541 (Fax)
17	PATNA ZONAL UNIT 67, Kautilya Nagar, Post-B.V. College, Patna (Bihar)	Zonal Director	0612-2296106 0612-2296159 (Fax)
		Superintendent	0612-2296160
18	RANCHI SUB ZONAL UNIT S.N. Tower, 3rd Floor, Morahabadi, P.O.-Ranchi University, P.S. Gonda, Ranchi-834008 (JH)	Superintendent	0651-2230753 0651-2330753 (Fax)
19	AHMEDABAD ZONAL UNIT, 2nd & 3rd Floor, Screen Building Drive-IN Cinema, Drive-in-Road, Thaltej Ahmedabad-380054 (Gujarat)	Zonal Director	079- 27485488 079-27497330 (Fax)
		Superintendent	079-27486118 079-27497330 (Fax)
20	BANGALORE ZONAL UNIT 7/1-2, Priyanka Villa, Ramanna Garden Kattigenahalli, Baglur Main Road, Yelahanka, Bangalore -560063	Zonal Director	080-28478516 080-28478316 (Fax)
		Superintendent	080-28478348
21	HYDERABAD SUB ZONAL UNIT Babeenagar, H. No. 136-826/A/1/A, Opp. Pillar no. 107 of PVNR Express Way, Attapur Ring Road, P.O. Golconda, Hyderabad – 500008 (AP)	Superintendent	040-23511640

22	CHENNAI ZONAL UNIT C-3A, Rajaji Bhavan, Besant Nagar, Chennai-600090	Zonal Director	044-24912718 044-24910937 (Fax)
		Superintendent	044-24911482
23	THIRUVANANTHAPURAM SUB ZONAL UNIT T.C.NO.19/1901 Keshyan Nagar Road, Pooja Pura, Thiruvananthapuram-695012	Superintendent	0471-2347191 0471-2347212 (Fax)
24	MADURAI SUB ZONAL UNIT H. no. 4/790, Old no 667, Annai Street, Meenaskshi Nagar, Madurai-625020	Superintendent	0452-2530503
25	ZONAL UNIT INDORE Indore Zonal Unit, 19/C/A/ Slice-5, Scheme no.78, Aranya, PO: Vijay Nagar, Indore (MP)-10	Zonal Director	0731-2557705 0731-2557701(Fax)
		Superintendent	0731-2557703
26	ZONAL UNIT MUMBAI, Exchange Building, Spratt Road, 3rd Floor, Ballard Estate, Mumbai-400001	Zonal Director	022-22621593 022-22613604 (Fax)
		Superintendent	022-22620428
27	SUB ZONAL UNIT GOA Goa Sub Zone, Flat no. F-1, Building no.14, Techno Park, Povorim, Goa	Superintendent	0832-2412030 0832-2412030 (Fax)

