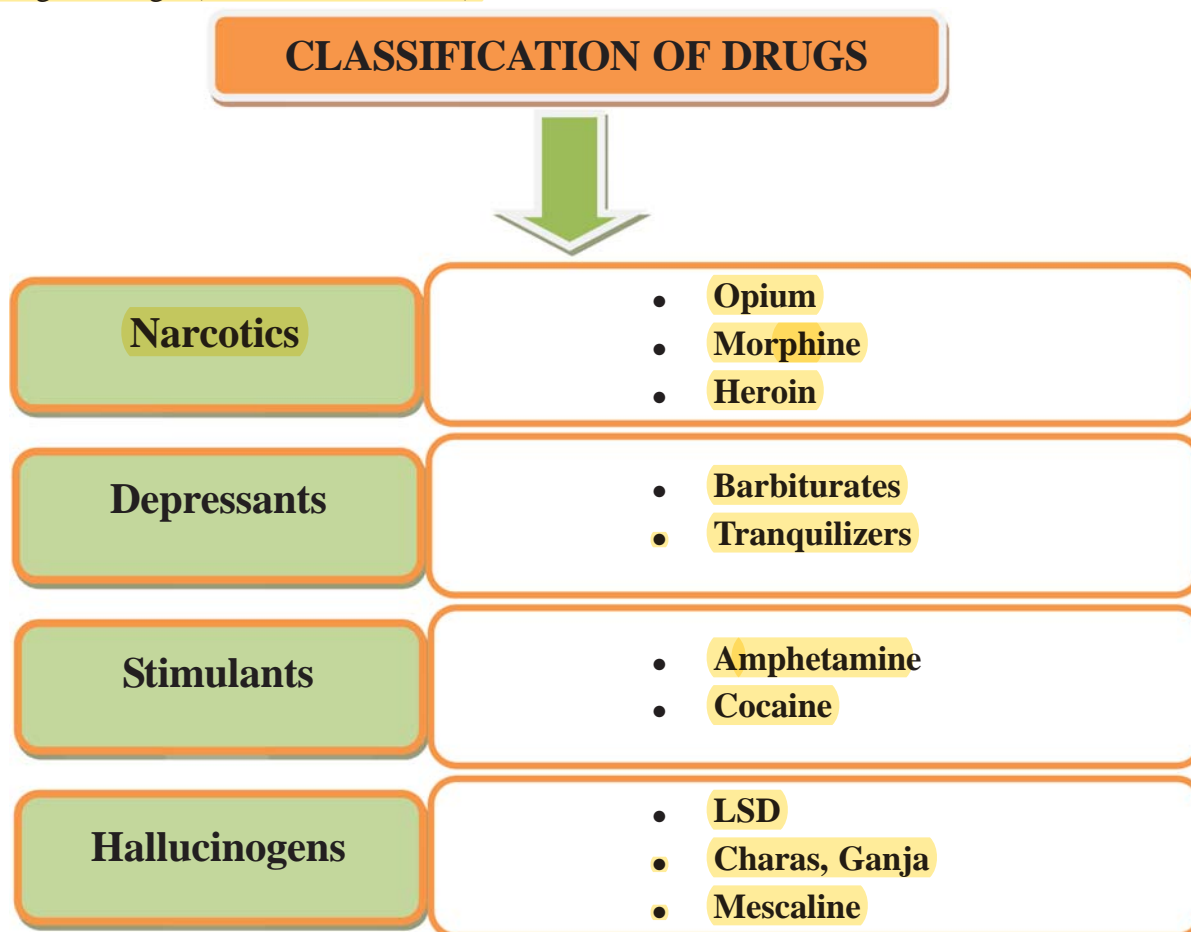


# 8


## NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (NDPS)

The term 'narcotic' in the legal sense is quite different from that used in the medical context which denotes a sleep inducing agent. Legally, a narcotic drug could be an opiate (a true narcotic), cannabis (a non-narcotic) or cocaine (the very antithesis of a narcotic, since it is a stimulant). The term 'psychotropic substance' denotes mind-altering drugs such as Lysergic Acid Diethylamide (LSD), Phencyclidine, Amphetamines, Barbiturates, Methaqualone, and designer drugs (MDMA, DMT, etc.).



**Figure 8.1:** Classification of drugs

## 8.1 Definitions According to NDPS Act (Section 2)

- (i) 'Cannabis (hemp)' is also known by the following terms:
  - (a) *Charas*, that is, the separated resin, in whatever form, whether crude or purified, obtained from the cannabis plant and also includes concentrated preparation and resin known as *hashish* oil or liquid *hashish*.
  - (b) *Ganja*, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated.
  - (c) Any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared there from.
- (ii) 'Cannabis plant' means any plant of the genus *Cannabis*.
- (iii) 'Coca derivative' means:
  - (a) Crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine.
  - (b) *Ecgonine* and all the derivatives of *ecgonine* from which it can be recovered.
  - (c) Cocaine, that is, methyl ester of *benzoyl-ecgonine* and its salts.
  - (d) All preparations containing more than 0.1 percent of cocaine.
- (iv) 'Coca leaf' means:
  - (a) The leaf of the coca plant except of a leaf from which all *ecgonine*, cocaine and any other *ecgonine* alkaloids have been removed.
  - (b) Any mixture thereof with or without any neutral material, but does not include any preparation containing not more than 0.1 per cent of cocaine.
- (v) 'Coca plant' means the plant of any species of the genus *Erythroxylon*.
- (vi) 'Narcotic drug' means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs. 
- (vii) 'Opium' means:
  - (a) The coagulated juice of the opium poppy.
  - (b) Any mixture, with or without any neutral material, of the coagulated juice of the opium poppy, but does not include any preparation containing not more than 0.2 per cent of morphine.
- (viii) 'Opium derivative' means:
  - (a) Medicinal opium, that is, opium which has undergone the processes necessary to adapt for medicinal use in accordance with the requirements of the Indian Pharmacopoeia or any other Pharmacopoeia notified in this behalf by the central government, whether in powdered form or granulated or otherwise or mixed with neutral materials.
  - (b) Prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the dross or other residue remaining after opium is smoked.

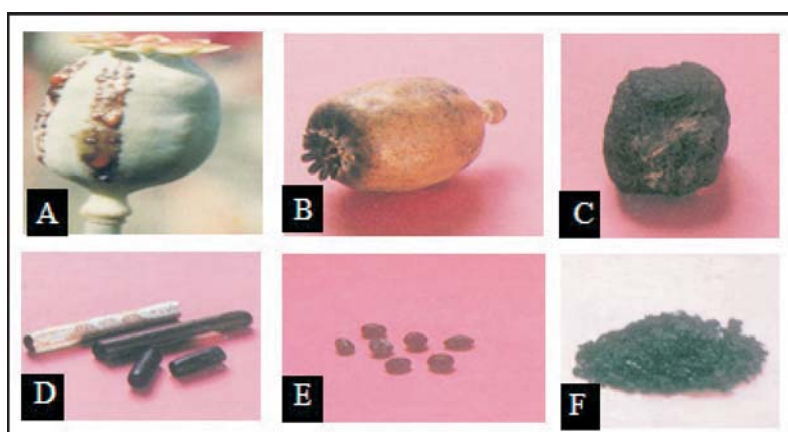
- (c) Phenanthrene alkaloids, namely, morphine, codeine, the baine and their salts.
  - (d) Diacetylmorphine, that is, the alkaloid also known as diamorphine or heroin and its salts.
  - (e) All preparations containing more than 0.2 per cent morphine or containing any diacetylmorphine.
- (ix) 'Opium poppy' means:
- (a) The plant of the species *Papaver somniferum* L.
  - (b) The plant of any other species of *Papaver* from which opium or any phenanthrene alkaloid can be extracted and which the Central Government may, by notification in the official gazette, declare to be opium poppy for the purposes of this Act.
- (x) 'Poppy straw' means all parts (except the seeds) of the opium poppy after harvesting whether in their original form or cut, crushed or powdered and whether or not juice has been extracted there from.

**Table 8.1:** Common narcotic drugs and psychotropic substances

<i>Drug RUG</i>	<i>Trade or Other Names</i>	<i>Nature</i>	<i>Mode of Administration</i>	<i>Effect of Overdose</i>	<i>Symptoms</i>	<i>Mode of Action</i>
Morphine	Morphia	Colourless crystalline substance	Oral and/or injection	75 mg.	Respiratory depression, hypotension, circulatory failure, coma, convulsions, renal failure	Analgesic/Ant i-diarrheal and euphorogenic with potential for addiction
Heroin	Diacetylmorphine/ smack/ brown sugar/gard	Colourless crystalline substance	Injection/smoking/inhalation/ sniffing	200–500mg.	Coma, delirium, disorientation, drowsiness, muscle spasticity	Analgesic and euphorogenic with high potential for addiction
Cocaine	Crack	White crystalline powder	Oral/injection/ sniffing/ smoking	1.2g.	Dryness of mouth and throat, cramps in stomach, convulsions, death by respiratory failure	Stimulant with potential for addiction

Methaqualone	Mandrax/ Nidra	White powder	Orally in the form of tablet	3g.	Restlessness, insomnia, tremors, hallucinations, confusion, seizures	Euphoric action in the beginning causes addiction
Diazepam	Calmpose	White crystalline powder	Oral/Injection	100 – 500mg.	Bluish-colored lips and fingernails, blurred vision, confusion, depression, dizziness	Develops weakness, ataxia, drowsiness, respiratory depression
Barbiturate	Veronal, Luminal, Nembutal	White crystalline powder	Oral/Injection	3–5g.	Altered level of consciousness. Difficulty in thinking. Drowsiness or coma.	Depressant, death occurs from respiratory failure

Source: Narcotic Control Bureau (NCB)

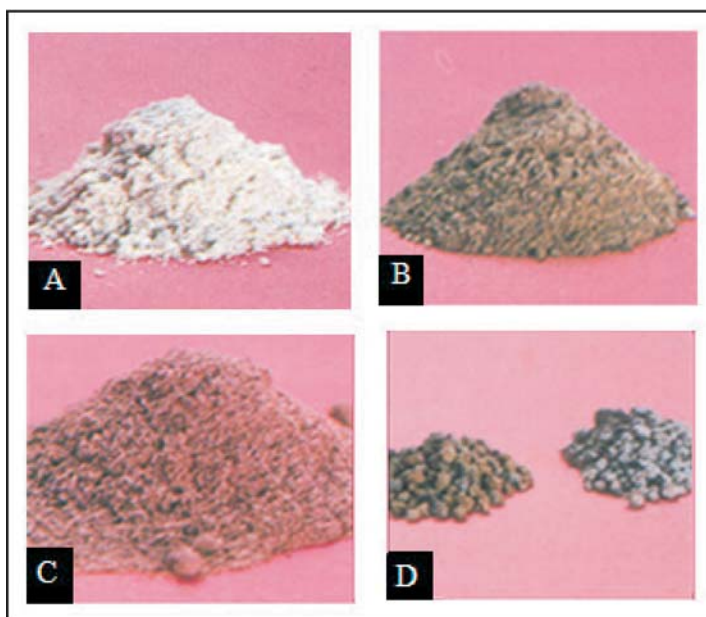


**Figure 8.2:** Common narcotic drugs and psychotropic substances A. Opium pod showing dried opium. B. Dried opium pod. C. Curde opium. D. Opium sticks. E. Opium pellets. F. Burnt opium powder after smoking.



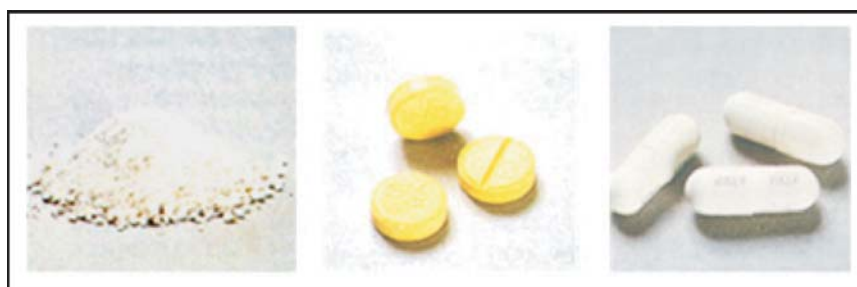
**Figure 8.3:** Common narcotic drugs and psychotropic substances

A. Morphine powder, ranges in colour from offwhite to dark brown. B. Crude morphine  
C. Morphine tablets. D. Morphine ampoules.

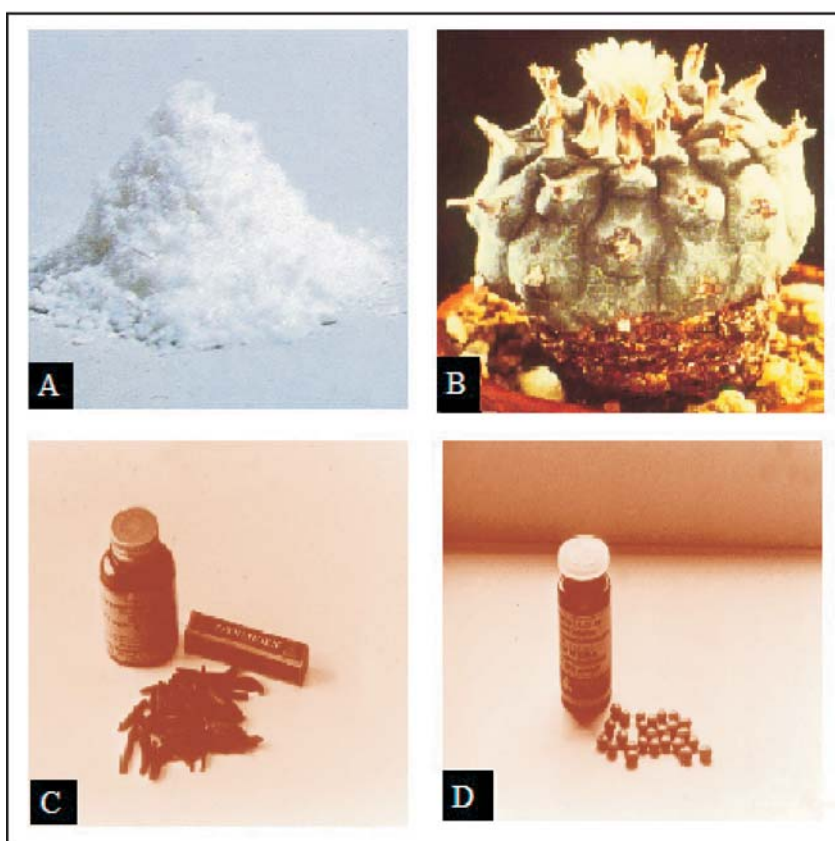


**Figure 8.4:** Illicit forms of Heroin

A. Pure grade IV heroin—fairly refined. B. Brown sugar. C. Grade III heroin. D. Brown  
sugar iranian.



**Figure 8.5:** Amphetamine in powder, tablet and capsule forms



**Figure 8.6:** A. Pure cocaine. B. Peyote Cactus (active compound mescaline). C. Lysergic Acid Diethylamide (LSD 25). D. L.S.D in the form of pills.

## 8.2 Procedures under NDPS Act

### Section 41

#### Power to Issue Warrant and Authorization

1. A Metropolitan Magistrate or a Magistrate of the First Class or any Magistrate of the second class specially empowered by the state government on this behalf, may issue a warrant for



the arrest of any person whom he has reason to believe to have committed any offence punishable under this Act, or for the search, whether by day or by night, of any building, conveyance or place in which he has reason to believe any narcotic drug or psychotropic substance or controlled substance in respect of which an offence punishable under this Act has been committed or any document or other article which may furnish evidence of the commission of such offence or any illegally acquired property or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act is kept or concealed.

2. Any such officer of Gazetted rank of the departments of central excise, narcotics, customs, revenue intelligence or any other department of the central government including the paramilitary forces or the armed forces as is empowered on this behalf by general or special order by the central government, or any such officer of the revenue, drugs control, excise, police or any other department of a state government as is empowered on this behalf by general or special order of the State Government if he has reason to believe from personal knowledge or information given by any person and taken in writing that any person has committed an offence punishable under this Act or that any narcotic drug or psychotropic substance or controlled substance in respect of which any offence under this Act has been committed or any document or other article which may furnish evidence of the commission of such offence or any illegally acquired property or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act is kept or concealed in any building, conveyance or place, may authorize any officer subordinate to him but superior in rank to a peon, sepoy or a constable to arrest such a person or search a building, conveyance or place whether by day or by night or himself arrest such a person or search a building, conveyance or place.
3. The officer to whom a warrant under sub-section (1) is addressed and the officer who authorized the arrest or search or the officer who is so authorized under sub-section(2) shall have all the powers of an officer acting under section 42.

‘Controlled delivery’ means the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances, controlled substances or substances substituted for them to pass out of, or through or into the territory of India with the knowledge and under the supervision of an officer empowered on his behalf or duly authorized under section 50-A with a view to identifying the persons involved in the commission of an offence under this Act.

## Section 42

### Power of Entry, Search, Seizure and Arrest without Warrant and Authorization

1. Any such officer (being an officer superior in rank to a peon, sepoy or constable) of the departments of central excise, narcotics, customs, revenue intelligence or any other department of the central government including para-military forces or armed forces as is empowered on this behalf by general or special order by the central government, or any such officer (being an officer superior in rank to a peon, sepoy or constable) of the revenue, drugs control, excise, police or any other department of a state government as is empowered in this behalf by general or special order of the state government, if he has reason to believe from persons knowledge or information given by any person and taken down in writing that any narcotic drug, or psychotropic substance, or controlled substance in respect of which an offence punishable under this Act has been committed or any document or other article which may furnish evidence of the commission of such offence or any illegally acquired property or any document or other article which may furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act is kept or concealed in any building, conveyance or enclosed place, may between sunrise and sunset,
  - (a) Enter into and search any such building, conveyance or place.
  - (b) In case of resistance, break open any door and remove any obstacle to such entry.
  - (c) Seize such drug or substance and all materials used in the manufacture thereof and any other article and any animal or conveyance which he has reason to believe to be liable to confiscation under this Act and any document or other article which he has reason to believe may furnish evidence of the commission of any offence punishable under this Act or furnish evidence of holding any illegally acquired property which is liable for seizure or freezing or forfeiture under Chapter V A of this Act; and
  - (d) Detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed any offence punishable under this Act, provided that if such officer has reason to believe that a search warrant or authorization cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such building, conveyance or enclosed place at any time between sunset and sunrise after recording the grounds of his belief.



2. Where an officer takes down any information in writing under subsection (1) or records grounds for his belief under the proviso thereto, he shall within seventy-two hours send a copy thereof to his immediate official superior.

## **Section 50**

### **Conditions under which Search of a Person shall be Conducted**

1. When any officer duly authorized under section 42 is about to search any person under the provisions of section 41, section 42 or section 43, he shall, if such person so requires, take such person without unnecessary delay to the nearest Gazetted Officer of any of the departments mentioned in section 42 or to the nearest Magistrate.
2. If such requisition is made, the officer may detain the person until he can bring him before the Gazetted Officer or the Magistrate referred to in subsection (1).
3. The Gazetted Officer or the Magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person but otherwise shall direct that search be made.
4. No female shall be searched by anyone except a female.
5. When an officer duly authorized under section 42 has reason to believe that it is not possible to take the person to be searched to the nearest Gazetted Officer or Magistrate without the possibility of the person to be searched parting with possession of any narcotic drug or psychotropic substance, or controlled substance or article or document, he may, instead of taking such person to the nearest gazetted officer or magistrate, proceed to search the person as provided under section 100 of the Code of Criminal Procedure, 1973.
6. After a search is conducted under sub-section (5), the officer shall record the reasons for such belief which necessitated such search and within seventy two hours send a copy thereof to his immediate official superior.

## **Section 52**

### **Disposal of Persons Arrested and Articles Seized**

1. Any officer arresting a person under section 41, section 42 section 43 or section 44 shall, as soon as may be, inform him of the grounds for such arrest.
2. Every person arrested and article seized under warrant issued under subsection (1) of section 41 shall be forwarded without unnecessary delay to the Magistrate by whom the warrant was issued.

3. Every person arrested and article seized under sub-section (2) of section 41, section 42, section 43 or section 44 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.
4. The authority or officer to whom any person or article is forwarded under subsection(2) or sub-section (3) shall, with all convenient dispatch take such measures as may be necessary for the disposal according to law of such person or article.

## Section 55

### Police to Take Charge of Articles Seized and Delivered:

An officer-in-charge of a police station shall take charge of and keep in safe custody, pending the orders of the Magistrate, all articles seized under this Act within the local area of that police station and which may be delivered to him, and shall allow any officer who may accompany such articles to the police station or who may be deputed for the purpose, to affix his seal to such articles or to take samples of and from them and all samples so taken shall also be sealed with a seal of the officer-in-charge of the police station.

## Section 57

### Report of Arrest and Seizure

Whenever any person makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate officer superior.

## I. Guidelines for Investigating Officer

The IO should ensure to follow the following guidelines and make notes in writing (ruqqa):

1. Raiding party's constitution, departure with/without vehicle, arms and ammunition, route taken, the name of the driver as well as accompanying of the informer.
2. Numbers of independent public witness requested, their place, their background, i.e. whether they were passer-by, rickshaw pullers, residents, etc., and reasons for not joining.
3. Time must be noted for important aspects like:
  - (a) Time of making DD entry
  - (b) Constitution of raiding party

- (c) Time of leaving police station
  - (d) Time of arrival of spot
  - (e) Time of briefing to the team
  - (f) Time of *nakabandi*
  - (g) Time of apprehending of suspect
4. Briefing of staff, area of *nakabandi*, how many parties put on *nakabandi*, who was standing where, position of the informer, etc.
  5. Time and direction of arrival of the suspect, whether he was carrying something with him, his turnout, etc.
  6. If anybody is accompanying the suspects, he must also be apprehended and interrogated thoroughly.
  7. If any vehicle is used, its number, make and colour.
  8. If the suspect spontaneously produces the contraband to the police, no need of notice u/s 50 NDPS Act.
  9. Complete description of packing/wrappers/markings and the contraband must be described in the writing (*ruqqa*) as well as in the seizure memo.
  10. The contraband must be checked through by field-testing kit.
  11. Sampling should be done properly. Two representative samples be taken.
  12. CFSL/FSL/CRCL form must be filled in instantaneously.
  13. Case property must be properly sealed with standard seal and the seal used must be handed over to any of the witnesses. While taking the case property in his charge, the SHO should counter-seal it with his own seal. Every addition in the FSL/CFSL/CRCL form, etc., must be duly signed by the SHO.
  14. If house search is to be conducted at night, reasons thereof must be recorded and sent to senior officers within 72 hours.
  15. Accused's dossier must be prepared.
  16. First remand must be taken from the Magistrate concerned.

17. In case, drug recovered is less than commercial quantity, the *challan* must be filed within 60 days whereas in case of commercial quantity, the *challan* may be filled in 90 days but the efforts should be to file the *challan* at the earliest.
18. Sample must be sent to the laboratory for chemical analysis at the earliest. It should be in the knowledge of the SHO and covered in his statement.
19. To maintain the sanctity of Diary Dispatch entries, they must be attested by a Gazetted Officer.
20. Site plan must be described, prepared and elaborated and every minute detail of the scene should be mentioned in it.
21. Previous involvements of the suspect in the drug trafficking, if any must be mentioned in the *challan* to enable the court for awarding enhanced punishment.
22. Written work is done in the vehicle. If there is no vehicle, then the place where written work was done should be mentioned in the statements. Who arranged for the stool or chair is also be known to the IO/witnesses.
23. A constable should not be allowed to make any search. It is prohibited in the NDPS Act.
24. Parcels should be signed by the witnesses.
25. The seizure should be weighed on the spot.
26. Details of weighing balance, from where arranged, number of weights must be noted carefully.
27. If vehicle is used, log book should be completed.
28. Who did the written work, should be known to the witness.
29. It should be mentioned in the writing (ruqqa) as to how many seals have been affixed.
30. The SHO/Addl.SHO/IOs must get an official seal and at the time of raid, they should get the seal issued officially.
31. There should be separate registers in the office of SHO, ACP and DCP in which date and time of dispatch and receipt of all reports should be mentioned.

## II. Check List for Investigation of Offences under N.D.P.S. Act

1. **Recording of Information:** Whenever any information is received, it should be taken down in writing and forwarded to the higher authority in-charge of enforcement and necessary orders thereon obtained.

2. **Verification of Information:** A preliminary verification of the information through sources and by surveillance, whenever situation demands, has to be done.
3. **Planning of Operation:** The operation should be well planned so that it can be conducted efficiently in the least possible time. Deployment of responsibilities on various participating officers should be done after briefing on the objectives of the operation. Officers deployed for the search should carry their official identity cards.
4. **Equipments/Instruments etc., for Search:** It is necessary that the equipment's and the tools like screwdrivers, torches, spotlights, mirrors, walkie-talkie, camera, binocular, night vision arms and ammunitions handcuff etc. are checked and taken before starting the operation. It is also to be checked that the vehicles are in condition. The other things that need to be checked before moving out for operation are: search proforma, form of notice under Sec. 67 of the NDPS Act, arrest memo, test memo, envelopes, seal, sealing materials, writing paper, candles, matchsticks, weighing balance ( a spring balance and a digital weighing machine) etc.
5. **Drug Identification/Test Kit:** The officers moving out for operation must not forget to take with them a drug identification kit. It is necessary to check before proceeding for search that the reagents are there in the bottles of the test kit and the test kit is in otherwise working.
6. **Entry into the Premises:** Before the commencement of the search, the officer should obtain an authorization for the search as per Sec. 41(2) of the NDPS Act. On searching the spot, the officers must immediately gear up for the strike. The entry and exit points must be manned properly and watch should be maintained on the windows and other opening so that nothing can be thrown from exit/verandah, etc.
7. All incoming telephone calls should be received by the officers only.
8. **Search Authorization:** If a place is to be searched based on personal knowledge or information taken down in writing, a copy of the grounds of belief or information (in form DR-I) is to be sent forthwith to his immediate official superior.
9. **Disclosure of Identity and Purpose of Search:** As entry into the premises is sought, the officers should disclose their identity and purpose and offer themselves to be searched. It is to be remembered that the purpose of search may be defeated if anybody is allowed to go out of the premises or make outside calls during the search. If a person is to be subjected to a personal search, he has the right to search the officer, if he so requires, such person has the right to take physical search of the officer conducting the search.

- 10. Search in Presence of Independent Witnesses:** At least two independent and respectable witnesses of the locality are to be called and in their presence and the owner and the occupier or his representative, the search is to be conducted. Please remember that the witnesses are independent, not stock witnesses.
- 11. Preparation of Search List (Mahazar/Panchanama):** After conclusion of the search, a search list is to be prepared. Drugs or things or documents if recovered and also the place of their recovery are invariably to be mentioned in the search list. A copy of the search list is to be handed over to the agent/owner/occupier of the premises. If any personal search is taken during the search of the premises, a separate search list mentioning the goods recovered from person so searched. In case of no recovery, NIL RECOVERY is to be mentioned in the search list. The search list should bear the signatures of the person, owner/owner's representative witnesses along with their name, addresses, etc. The copy should bear the dated signature of whom it has been served. Please check if a copy of the panchnama/mahazar has been given to the owner.
- 12. Drawal of Sample:** It is very important to draw and seal representative sample of narcotic drugs/psychotropic substances in the presence of the owner, occupier, agent and the witnesses. Seizing officer should be assigned the job of drawal of sample of required quantity and sealing it properly for being sent to the laboratory as soon as possible. Please check if the samples have been drawn, packed and sealed as per the instructions in force and the procedure mentioned in the mahazar. Samples should be sent to the laboratory within 72 hrs.
- 13. Statements:** The next important step that is required to be taken is interrogation/examination of the suspects (accused) and the witnesses. Notice under Section 67 of the NDPS Act may be issued and statements about the identity of the person, address, background, education, occupation, involvement in the drug trade, etc., are to be recorded. This notice should be served under the signature of the concerned person. It must be ensured that the statement that is recorded is written in the language which is understood by the suspects/witnesses. The person making the statement and any correction made therein should be initialed by him. The officer in whose presence the statement is given should also put his signature. If the statement is not written by the person himself, the officer should keep a note that the statement was read out and explained to the person in the language known to him.
- 14. Disposal of Persons Arrested and Articles Seized:** While arresting a person memo may be served to the person under his dated signature as a token of receipt of the same. The person being arrested should be informed of grounds for such arrest as per Sec. 52(1) of the NDPS Act. Other provisions of Section 52 have also to be complied with regard to arrested persons and seized article.



- 15. Informing the Superior about Seizure and Arrest:** As per requirement of the Act, the immediate superior officer is to be sent a full report of all the particulars of an arrest. This requirement of law is not to be forgotten. Such report should be given within 48 hours of seizure or arrest in terms 57 of the NDPS Act.
- 16. Deposition of the Goods and Documents:** Goods that are seized, including drugs, are to be kept in godown earmarked for this. Godown officer should be satisfied about the intactness of quantity and weight of the goods, etc., and it is to enter in the register of the godown.
- 17. Filing of Remand Petition:** On arrest of a person, a petition for his suitable custody is to be made to the nearest Magistrate/Judge of Special Court. It is to be ensured that no person is unnecessarily kept in custody without order. The accused is required to be produced before the court without delay.
- 18. Investigation:** Seizing officer immediately, after production of the accused before the jurisdictional Magistrate should go through the documents that are recovered and the statements that have been recorded for deciding the follow-up measures and the course of investigation that are to be taken up with appropriate agency and authorities regarding which the supervisory officer has to be informed in writing.
- 19. Financial Profile of the Accused:** Financial profile of the accused in the prescribed performa should be prepared while statements are taken from them and also after the offence is investigated. An order for freezed illegally acquired property as per Section 68F (1) of the NDPS Act has to be issued and a copy of the said order has to be forwarded to the competent authority.

### 8.3 Types of Evidences in NDPS Cases



**Figure 8.7:** Powder in polythene packet

1. Powder of different colours (generally white, off white, grey, light brown) in polythene packets, liquid (like liquid hashish and opium dissolved in water) *as colour or dye may be added to the drug.*
2. Syringe, small quantity in puriyas, vials, spoon used by addicts.
3. Cardboard boxes containing some items along with polythene packets.
4. Sacks containing lime mixed with drug.
5. Pharmaceutical preparations in wrappers.
6. Brown black resinous material, opium or *charas*.
7. Illicitly manufacturing drug site: labelled or unlabelled bottle or containers containing chemicals, apparatus used in preparations of drugs or precursors.
8. Plant material: Poppy plant, *ganja*, cocaine leaves containing cocaine.
9. *Dhoopbatti* like sticks of *charas*.

Note: *Drug should not be tasted as it could be poison.*

## 8.4 Collection of Evidences

The samples must be drawn on the spot of recovery and in the presence of witnesses and the accused.

1. The contents of the package must be mixed very thoroughly from top to bottom to draw representative sample.
2. From one package, normally 2 samples are drawn which are termed as 'Original' and 'Duplicate' or Sample no.1 and 2 or A and B.
3. Same quantity should be taken for the 'Original' and 'Duplicate' samples.



Figure 8.8: Drug packets

**Table 8.2:** Quantity to be drawn for sampling

<i>Sample</i>	<i>Quantity</i>
Narcotic drugs and psychotropic substances	5 g.
Opium/ <i>ganja</i> and <i>charas/ hashish</i>	24 g.

*Source:* Central Revenue Control Lab

Note 1: *If the seizure of NDPS is less than 5g., even then the small quantity of sample taken can be analyzed by the laboratory since the techniques used can detect and identify commonly encountered NDPS.*

Note 2: *The seized goods and samples are deposited in the Malkhana at the earliest after seizure and acknowledgement receipt must be obtained from the Malkhana-in-charge.*

## 8.5 Number of Samples to be Drawn in Each Seizure Case

### 1. Single Package

The material should be removed from its container or wrappings and the net weight should be recorded.

### 2. More Than One Package

- (i) If there are less than 10 packages—all packages should be sampled.
- (ii) If there are 10–100 packages-randomly select 10 packages.
- (iii) If there are more than 100 packages—randomly select a number of packages equal to the square root of the total number of packages rounded to the next higher integer.

If the material in all packages is found to be similar by visual examination, one of the following approaches may be allowed:

- (i) The contents of a number of packages may be combined and the combined bulk material may then be homogenized.
- (ii) Alternately, chemical testing may be applied to a number of each of the packages.

*When different types of material have been identified in various packages, each sub-group should be composited in an identical fashion.*

### 3. Items Containing Bulk Aggregates

- (i) If the aggregates can be easily reduced to small particles then this should be the approach.
- (ii) If the material cannot be easily broken down, random samples should be drawn from atleast two different parts of the item.

### 4. Sampling Procedure For LSD

- (i) LSD exhibits are either in paper, tablet or gelatin form.
- (ii) For single container, determine the total number of dosage units and the average weight per dosage unit (du).
- (iii) For sample sizes up to 10du—screen all dosage units.
- (iv) For sample sizes from 11du to 27du—randomly select and screen  $\frac{3}{4}$  of all dosage units, rounding upward to the next higher integer.
- (v) For sample sizes from 28du—select randomly and screen  $\frac{1}{2}$  of all dosage units rounding upward to the next integer and selecting a minimum of 21du and a maximum of 50du.
- (vi) In case of multiple containers having different contents, this should be segregated and subjected to separate analysis. Determine the square root of the total number of containers in each group. Randomly select a number of containers equivalent to the square root, rounded to the next highest integer.

## 8.6 Small and Commercial Quantity of Important Drugs

### According to Section 2 of NDPS Act:

‘Commercial quantity’, in relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the official gazette.

‘Small quantity’, in relation to Narcotic Drugs and Psychotropic Substances, means any quantity lesser than the quantity specified by the central government by notification in the Official Gazette.

**Table 8.3:** Small and commercial quality of drugs

<i>Drug</i>	<i>Small Quantity</i>	<i>Commercial Quantity</i>
Amphetamine	2 g.	50 g.
Buprenorphine	1 g.	20 g.
<i>Charas/Hashish</i>	100 g.	1 kg.
Cocaine	2 g.	100 g.
Codeine	10 g.	1 kg.
Diazepam	20 g.	500 g.
<i>Ganja</i>	1 kg.	20 kg.
Heroin	5 g.	250 g.
MDMA (Ecstasy)	0.5 g.	10 g.
Methamphetamine	2 g.	50 g.
Methaqualone (Mandrax)	20 g.	500 g.
Morphine	5 g.	250 g.
Poppy Straw	1 kg.	50 kg.

Source: NDPS Act 1985

Offences under commercial quantities are non-bailable U/S 37 NDPS Act 1985. However, if the court finds that the accused is not guilty of offence or is not likely to indulge in sale/purchase of narcotic drugs, bail can be granted.

The punishment for many offences under **Sections 15–23 of NDPS Act** depends on the type and quantity of drugs involved—with three levels of punishments for small, lesser and immediate quantity, i.e. quantity more than small and lesser than commercial quantity. The punishment prescribed for different quantities is as follows:

1. Where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to Rs. 10,000 or with both.
2. Where the contravention involves quantity lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to Rs. 1,00,000.
3. Where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than Rs. 1,00,000 but which may extend to Rs. 2,00,000s.

**Section 27 of NDPS Act: Punishment for Consumption of Any Narcotic Drug or Psychotropic Substance.**

Whoever, consumes any narcotic drug or psychotropic substance shall be punishable,-

1. where the narcotic drug or psychotropic substance consumed is cocaine, morphine, diacetyl-morphine or any other narcotic drug or any psychotropic substance as may be specified in this behalf by the central government by notification in the Official Gazette, with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to Rs. 20,000; or with both.
2. Where the narcotic drug or psychotropic substance consumed is other than those specified in or under clause (a), with imprisonment for a term which may extend to six months, or with fine which may extend to Rs. 10,000 or with both.

**Section 31: Enhanced Punishment for Offences after Previous Conviction:**

1. If any person who has been convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, any of the offences punishable under this Act is subsequently convicted of the commission of, or attempt to commit, or abetment of, or criminal conspiracy to commit, an offence punishable under this Act with the same amount of punishment shall be punished for the second and every subsequent offence with rigorous imprisonment for a term which may extend to one-half of the maximum term of imprisonment and also be liable to fine which shall extend to one-half of the maximum amount of fine.
2. Where the person referred to in sub-section (1) is liable to be punished with a minimum term of imprisonment and to a minimum amount of fine, the minimum punishment for such person shall be one-half of the minimum term of imprisonment and one-half of the minimum amounts of fine.
3. Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding the fine for which a person is liable.
4. Where any person is convicted by a competent court of criminal jurisdiction outside India under any corresponding law, such person, with respect of such conviction, shall be dealt with for the purposes of sub-sections (1) and (2) as if he had been convicted by a court in India.



## 8.7 Packaging Procedure of Evidences



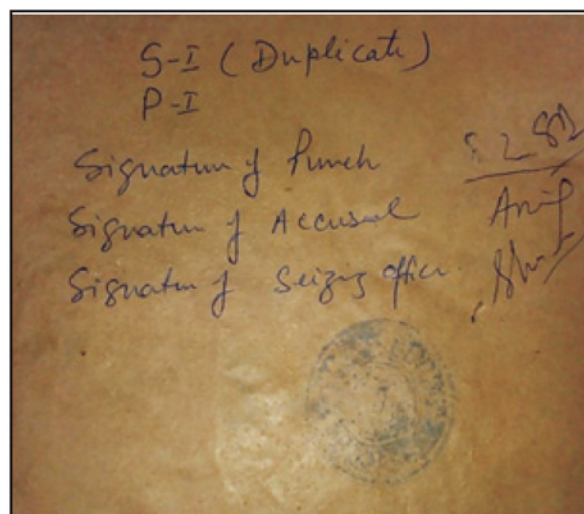
**Figure 8.9:** Sample in heat plastic bag

- (i) Solid samples should be kept in heat sealed plastic bags.
- (ii) Plastic bag should be kept in paper envelope and must be properly sealed.
- (iii) Liquid samples should be kept in leak proof plastic bottle.
- (iv) Plastic bottle is further wrapped in clean piece of cloth.
- (v) Mark the sealed envelopes as Original and Duplicate.
- (vi) 'Original' and 'Duplicate' envelopes should bear the serial number of the package/ container for which the sample has been drawn.
- (vii) Sample envelope will also have reference of test memo, i.e. case number, identification mark.
- (viii) Keep sealed sample and test memos in another envelope, seal it and mark it as 'Secret Drug-Sample/Test Memo'.

## 8.8 Labelling and Sealing of Evidences



**Figure 8.10:** Sealed envelope (duplicate)



**Figure 8.11:** Details to be mentioned on envelope of duplicate sample

1. If drug seized is found in package/containers, each should be serially numbered for the purpose of identification.
2. If drug is found in loose form then it should be arranged to be packed in unit containers of uniform size and serial number should be assigned to each package/container.
3. Following should be indicated on each package or on a cardboard label with a seal of seizing officer:
  - Gross weight (the total weight, including contents, packaging, etc.).
  - Net weight (the weight of the contents, not including any packaging, etc.).
  - Particulars of the drug
  - Date of seizure

*Preferably use electronic balance or balance of high accuracy.*

4. When more than one sample is drawn, each should be serially numbered and marked as S-1, S-2, and S-3... on both original and duplicate samples.

5. Each sample should carry the serial number of the packages and marked as P-1, P-2, P-3 and so on.
6. Each sample must be drawn and sealed in the presence of the accused, *panchnama* witnesses, seizing officer and duly signed by all of them and also their name should be mentioned.

## 8.9 Forwarding of Evidences

1. The sample must be sent to the concerned laboratory for examination with sample seal.
2. The sample seal must bear the signatures with date of sealing authority.
3. In NCB and CBN, Superintendent of Police and in customs, Inspector is authorized to forward the sample.

## 8.10 Narcotic Drug Detection Kit




**Figure 8.12:** Narcotic drug detection kit

**NARCOTIC DRUGS DETECTION KIT**  
**TESTING METHODS**  
 (See also flow charts I and II)



**TEST A**  
**Opium**



1. Place a small amount of the suspected material (the size of a match-head) on the spot-plate provided in the kit.
2. Add two or three drops of water, with the glass rod or spatula provided in the kit, smear the sample against the spot-plate for one or two minutes.
3. Transfer a drop of the liquid to another part of the spot plate.
4. Add one drop of reagent A1.
5. Add three drops of reagent A2.

Colour  indicates a positive result.

**Amphetamines, Mescaline**


1. Place a small amount of the suspected material (the size of a match-head) on the spot-plate provided in the kit.
2. Add one drop of reagent A1.
3. Add three drops of reagent A2.

Colour in the range  to  are positive for amphetamines.

4. Colour in the range  to  are positive for mescaline.



**TEST E**  
**Cocaine, Methaqualone**



1. Grind the suspected material to a fine powder if it is in tablet form and place a small amount of the suspected material (the size of a match-head) in one of the test-tubes provided in the kit.
2. Add one drop of reagent E1 and shake for 10 seconds.
3. Add one drop of reagent E2 and shake for 10 seconds.



Colour  indicates a positive result for cocaine and methaqualone.

**Morphine, Codeine, Heroin**

1. Place a small amount of the suspected material (the size of a match-head) on the spot-plate provided in the kit.
2. Add one drop of reagent A1.
3. Add three drops of reagent A2.



Colour in the range  to  are positive for morphine.

Colour in the range  to  are positive for codeine.

Colour in the range  to  are positive for heroin.

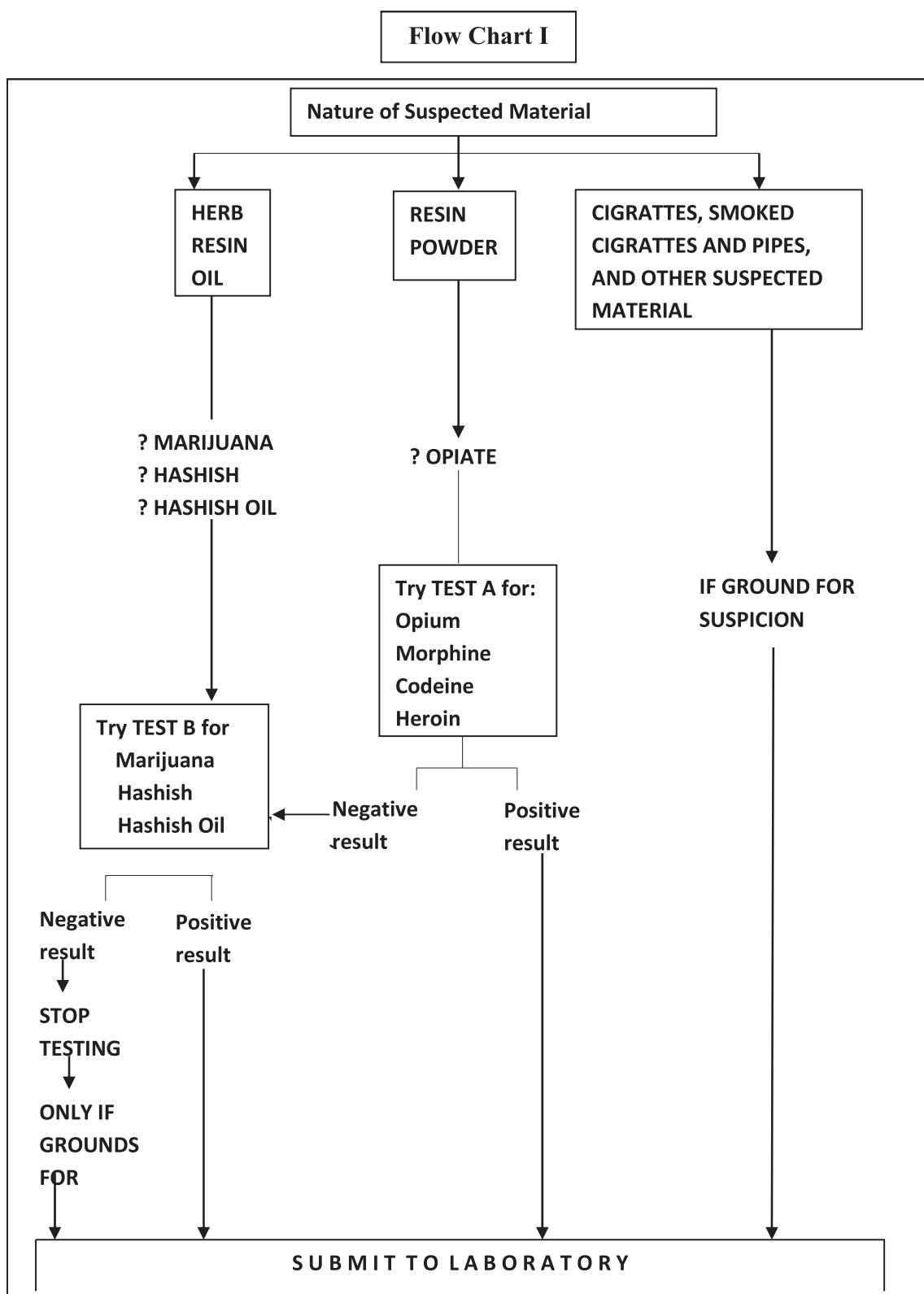
**TEST B**  
**Marijuana, Hashish, Hashish oil**

1. Place a small amount of the suspected material (the size of a match-head) in one of the test-tubes provided in the kit.
2. Add a small amount (the size of a match-head) of reagent B1.
3. Add 25 drops of reagent B2 and shake for a minute.
4. Add 25 drops of reagent B3 and shake for two minutes.
5. Allow the test-tube to stand for two minutes.

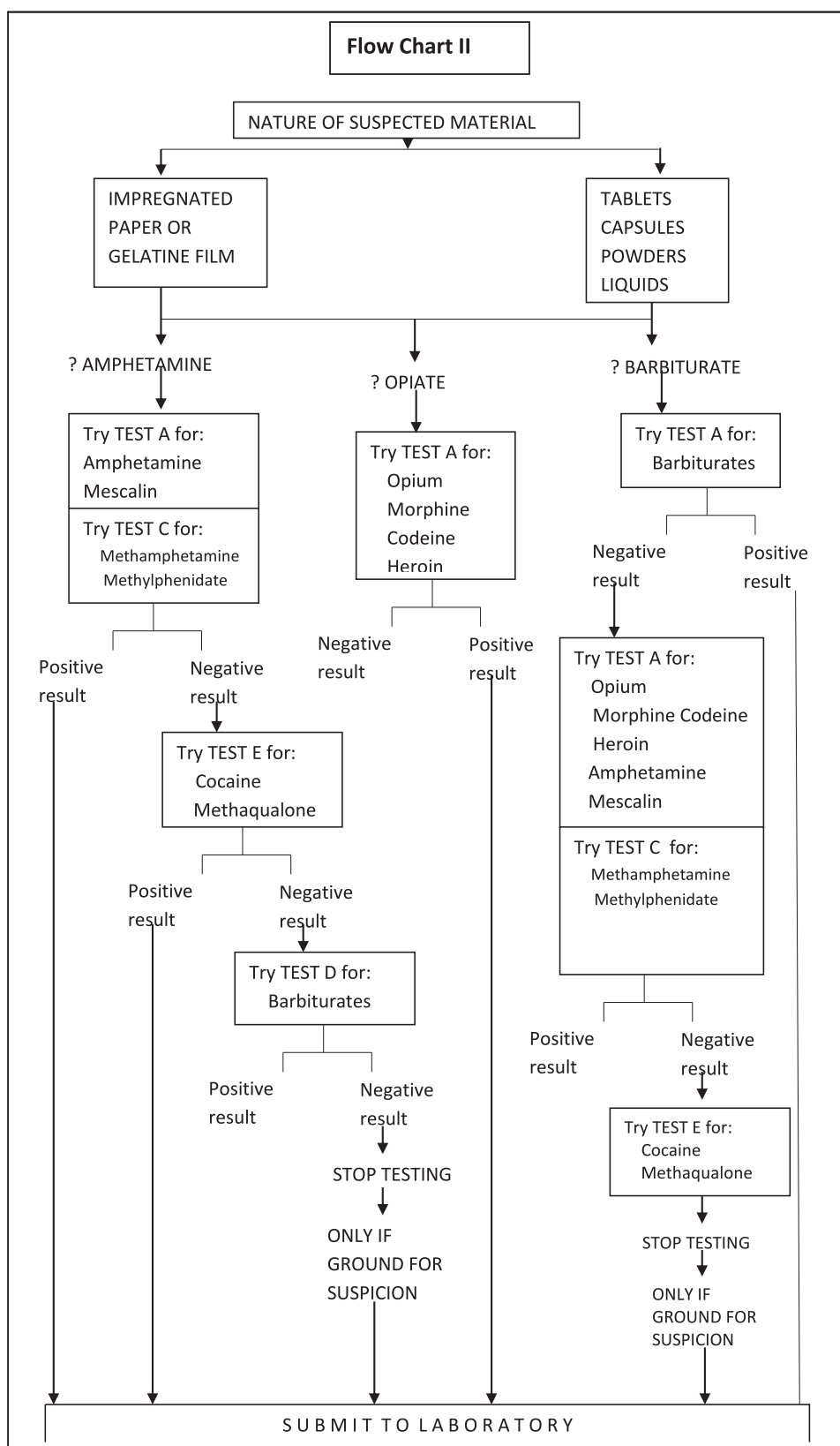
Colour in the range  to  in the lower liquid layer indicate a positive result. ignore colour of the upper layer.

**STORE IN A COOL AND DRY PLACE**

**Figure 8.13:** Chart for comparison of colour tests of NDPS drugs



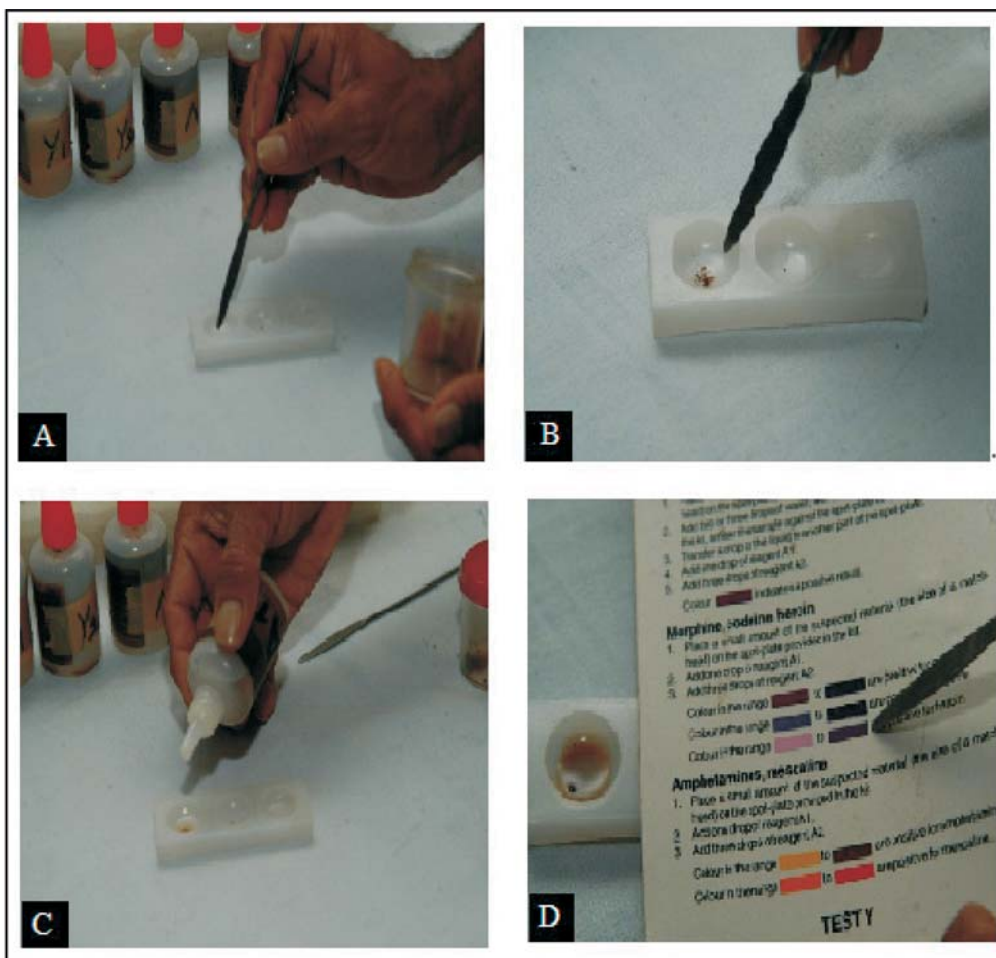
**Figure 8.14:** Screening of suspected NDPS Drug



**Figure 8.15**  
Screening of  
suspected  
NDPS Drug



Take small quantity of the suspected material and add reagents as mentioned in the testing method of the Narcotic Drug Detection Kit and compare the colour with the chart as follows:



**Figure 8.16:** Steps for carrying out spot test for drugs

1. Test by kit is only a presumptive/preliminary test and need further confirmation and for which the sample is to be sent to a laboratory.

*Caution: As this report is not accepted in the court, the sample is to be sent to FSL/CFSL/CRCL.*

2. Kit does not contain test for all NDPS substances. If test kit is negative, it does not mean that no NDPS drug is present.

### Suppliers of NDPS Drug Detection Kit

- A. Drug Detection Kit is supplied free of cost by the Narcotic Control Bureau.
- B. Some firms also supply imported kit having provision of testing more drugs.


Note:

1. After getting report from FSL/CFSL/CRCL, the result of the report to be interpreted vide notification of S.O. 1055(E) dated 19-10-2001 – In exercise of the powers conferred by clauses (viiia) and (xxiia) of Section 2 of the NDPS Act, 1985. NDPS Substances mentioned in the corresponding entry in the column 2 to 4 of the said table, as the small quantity and commercial quantity respectively for the purpose of the said clauses of that section.
2. The Gazette of India, Extraordinary Part-II- Subsection (II) published by the Ministry of Finance(Department of Revenue) Notification dated 18<sup>th</sup> November 2009. ‘The quantity shown in column 5 and column 6 of the table relative to the drug shown in column 2 shall apply to the entire mixture or any solution or anyone or more narcotic drug of psychotropic substances of that particular drug in doses form or isomers, esters and salt of these drugs, including salt of esters, ethers and isomers wherever existence of such substances possible and not just its pure drugs contents’.

## 8.11 Precursor Detection Kit

According to Section 2 of NDPS Act:

‘Controlled Substances(Precursors)’ means any substance which the Central Government may, having regard to the available information as to its possible use in the production or manufacture of narcotic drugs or psychotropic substances or to the provisions of any international convention, by notification in the official gazette, declare to be a controlled substance.


**Modified Precursor Chemicals Detection Kit**  
 Testing Methods (See also Flow Chart)


















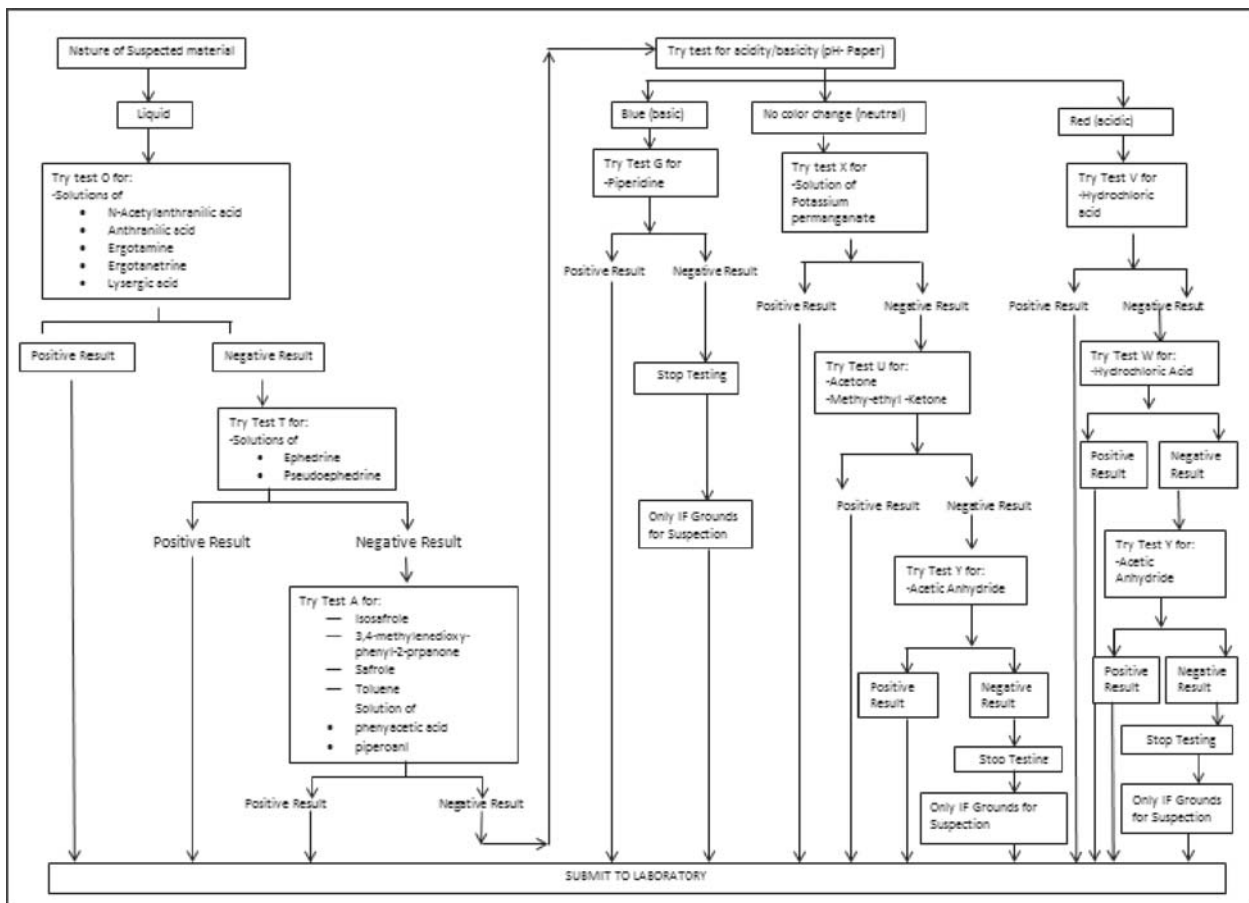
<p><b>TEST A</b> Isosafrole, 3, 4-Methylenedioxyphenyl-2-Propanone, Phenylacetic Acid, 1-Phenyl-2-Propanone, Piperonal, Safrole, Toluene</p> <ol style="list-style-type: none"> <li>1. Place a small amount/drop of the suspected material on a spot plate.</li> <li>2. Add one drop of reagent A1.</li> <li>3. Add three drops of reagent A2.</li> </ol> <p>Colours  to  indicate the possible presence of 3,4-methylenedioxyphenyl-2-propanone or 1-phenyl-2-propanone.</p> <p>Colours  to  indicate the possible presence of piperonal or phenylacetic acid.</p> <p>Colours  to  indicate the possible presence of safrole or isosafrole.</p> <p>Colours  to  indicate the possible presence of toluene.</p> <p><b>TEST G</b> Piperidine</p> <ol style="list-style-type: none"> <li>1. Place a small drop of the suspected material on a spot plate.</li> <li>2. Add one drop of reagent G.</li> </ol> <p>Colour  indicates the possible presence of piperidine.</p> <p><b>TEST O</b> N-Acetylanthranilic Acid, Anthranilic Acid, Ergometrine, Ergotamine, Lysergic Acid.</p> <ol style="list-style-type: none"> <li>1. Place a small amount of the suspected material on a spot plate.</li> <li>2. Add two drops of reagent O.</li> </ol> <p>Colour  indicates the possible presence of N-acetylanthranilic acid.</p> <p>Colour  indicates the possible presence of anthranilic acid.</p> <p>Colour  indicates the possible presence of ergometrine, ergotamine or lysergic acid.</p>	<p><b>TEST T</b> Ephedrine, Pseudoephedrine</p> <ol style="list-style-type: none"> <li>1. Place a small amount of the suspected material on a spot plate.</li> <li>2. Add two drops of reagent T1.</li> <li>3. Add two drops of reagent T2.</li> <li>4. Add two drops of reagent T3.</li> </ol> <p>Colour  indicates the possible presence of ephedrine or pseudoephedrine</p> <ol style="list-style-type: none"> <li>5. Place a small amount of the suspected material on a spot plate.</li> <li>6. Add one drop of reagent T4.</li> <li>7. Add one drop of reagent T5 and then one drop of reagent T6.</li> </ol> <p>Colour  indicates the possible presence of ephedrine after 10-15 minutes.</p> <p><b>TEST U</b> Acetone, Methyl Ethyl Ketone</p> <ol style="list-style-type: none"> <li>1. Place two drops of the suspected material on a spot plate.</li> <li>2. Add two drops of reagent U1.</li> <li>3. Add two drops of reagent U2.</li> </ol> <p>Colour  to  indicates the possible presence of acetone or methyl ethyl ketone</p> <p><b>TEST Y</b> Acetic Anhydride</p> <ol style="list-style-type: none"> <li>1. Place a small drop of the suspected material on a spot plate.</li> <li>2. Add one drop of reagent Y1.</li> <li>2. Add three drop of reagent Y2.</li> </ol> <p>Colour  indicates the possible presence of acetic anhydride.</p>
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Figure 8.17: Colour Chart for detection of Precursor



**Figure 8.18:** Screening method for precursor chemicals or drugs

## 8.12 Precursor Chemicals

**Table 8.2:** Precursor chemicals

<i>S.No</i>		<i>S.No</i>	
1	N-acetyl anthranilic acid	8	3,4- methylene- dioxyphenyl-2propanone
2	Acetic anhydride	9	Norephedrine
3	Ephedrine	10	1-phenyl-2propanone
4	Ergometrine	11	Piperanol
5	Ergotamine	12	Potassium permanganate
6	Isosafrole	13	Pseudoephedrine
7	Lysergic acid	14	safrole

<i>Table II substances</i>			
<i>S.No</i>		<i>S.No</i>	
1	Acetone	6	Phenyl acetic acid
2	Anthranilic acid	7	Piperidine
3	Ethyl ether	8	Sulphuric acid
4	Hydrochloric acid	9	Toluene
5	Methyl ethyl ketone		

### 8.13 Checklist for Investigation of Drug Related Offences

#### 1. Addicts

- (a) Name, age and sex.
- (b) Educational background.
- (c) Educational details—university/institution.
- (d) Details about the family members.
- (e) Income of the family.
- (f) Earning members.
- (g) Economic status.
- (h) Commitments of the family (financial).
- (i) Physical and mental conditions.
- (j) Details about physical problem.
- (k) Nature of abuser—quiet/irritable/violent.
- (l) Nature and type of drug abused.
- (m) Method of administration.
- (n) Source of procurement of drug.
- (o) Past history of the abuser about other drugs.
- (p) Initiation of drug abuse.
- (q) Duration of abuse.
- (r) Frequency of intake.
- (s) Details about other abusers.
- (t) Friend circle of the addict.

- (u) Source of money to purchase drug.
- (v) Criminal history of the abuser.
- (w) Family atmosphere.
- (x) Attitude of family members including guardians.
- (y) Recent history of crime/violence in the family.

## **2. Place of Abuser**

- (a) Details of drug recovered including its form and quantity.
- (b) Paraphernalia recovered.
- (c) Details of the money recovered.
- (d) Stolen articles recovered.
- (e) Phone numbers, diaries, address books.
- (f) Other materials used for taking drugs such as cigarette paper, metal foil, matchboxes, cotton, bloodstained cotton, tourniquets, etc.
- (g) Collection of samples of drugs, paraphernalia used and other materials such as spoon, cotton, etc.
- (h) Collection of blood and urine samples of the abuser by the doctor (control samples).
- (i) Packaging and forwarding of the samples of drugs and control samples.
- (j) Recording of statements of the addicts and members of the family.
- (k) Raiding the drug den.
- (l) Arrest of the accused person.
- (m) Medical examination of the addict.
- (n) Counseling/treatment/rehabilitation of the addict.

## **3. Drug Den**

- (a) Name, age, social and economic background of the person(s) and associates running the den.
- (b) Types of drugs sold and their forms.
- (c) Criminal history of the accused person.

- (d) Time since when the accused was running the den.
- (e) Details of the person visiting the den.
- (f) Source of procurement of drugs.
- (g) Search of the den.
- (h) Search of the persons.
- (i) Details of the hiding places.
- (j) Collection of sample of different types of drugs, precursor chemicals, and related materials.
- (k) Results of spot test.
- (l) Collection of materials such as paraphernalia used by the addicts, empty capsules, machines for making tablets, packets etc.
- (m) Money recovered from the accused persons.
- (n) Financial history and transactions.
- (o) Details of the other members of the gang.
- (p) Details about other criminal activities.
- (q) Statements of the accused persons.
- (r) Taking the addicts into custody and sending them to doctor for medical examination and collection of blood and urine samples.
- (s) Arresting the accused person.

#### **4. Search of a Suspected Vehicle Carrying Drugs**

- (a) Type and make of vehicle, chassis number, engine number, colour, registration number and the issuing authority, driving license and the issuing authority, insurance details.
- (b) Identification of driver and other occupants.
- (c) Weapons recovered, if any.
- (d) Search of the persons.
- (e) Search of the vehicle.
- (f) Use of sniffer dogs.
- (g) Part/portion in which the drug is hidden.



- (h) Quantity and form of drug.
- (i) Result of spot test.
- (j) Whether the materials are precursor chemicals.
- (k) Interview of the suspects.
- (l) Details about their criminal history and involvement in the drug trade.
- (m) Details about procurement of contraband.
- (n) Their contact persons.
- (o) Their destinations.
- (p) Collection of samples of suspected materials, packaging and forwarding for analysis.
- (q) Seizure of vehicle.

#### **5. Search of a Suspected Premises**

- (a) Location, address and other descriptions of the house including the ownership and relevant papers.
- (b) Search of inmates of the house.
- (c) Search of the house.
- (d) Recovery of drugs, precursor chemicals and other related materials.
- (e) Result of spot test.
- (f) Collection, packaging and forwarding of samples of drugs.
- (g) Socioeconomic status of the owner.
- (h) Source of income and earning members.
- (i) Details of property and financial transactions.
- (j) Source of drugs.
- (k) Other partners in the trade.
- (l) Places to which the drugs are supplied.
- (m) Details of the addicts, if found.
- (n) Criminal history of the occupants.
- (o) Recovery of weapons, communication equipment, etc.

- (p) Any vehicle used in the transportation of drugs.
- (q) Modus operandi.
- (r) Search of vehicle and collection of samples of drugs.

#### **6. Clandestine Laboratory**

- (a) Location and other descriptions of the laboratory, whether isolated house, house in a congested urban area, rural area, flat in a multi storey building or a mobile unit.
- (b) Details of the persons running and working in the laboratory.
- (c) Their criminal history and modus operandi.
- (d) Collection of samples of drugs in various forms, precursor chemicals and other related materials.
- (e) Result of the spot test.
- (f) Details of machineries recovered.
- (g) Collection of samples of drugs, etc., from the machineries.
- (h) Other chemicals used in the manufacturing of drugs.
- (i) Details about import of chemicals, raw materials, precursor chemicals and other materials.
- (j) Details about the supply.
- (k) Recovery of money.
- (l) Seizure of records showing details about drug trade including financial transactions.
- (m) Details about bank deposits.
- (n) Details about other properties.
- (o) Details about vehicle used in transportation of materials related to manufactured drugs and collection of samples.
- (p) Criminal history of persons arrested.
- (q) Statement of the persons.
- (r) Arrest of the persons and other relevant legal formalities.

## 8.14 Details of Seizure of Drugs for the Years 2011, 2012, 2013 and 2014

**Table 8.3:** Details of seizure of drugs

<i>Drugs</i>		<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Opium	Seizure	2,365	3,625	2,166	417
	Cases	892	876	813	61
Morphine	Seizure	53	263	7	9
	Cases	147	140	99	55
Heroin	Seizure	528	1033	1401	387
	Cases	2,944	3,155	4,165	417
Ganja	Seizure	122,711	711,149	91,608	26,825
	Cases	4,174	4,468	4,581	828
Hashish	Seizure	3,872	3,385	4,397	720
	Cases	2,263	2,031	2,402	585
Cocaine	Seizure	14	44	47	3
	Cases	80	72	78	14
Methaqualone	Seizure	72	216	3,205	0
	Cases	5	14	30	2
Ephedrine	Seizure	7,208	4,393	6,655	503
	Cases	20	17	66	15
LSD(in Grams)	Seizure	6	21	2	26
	Cases	5	5	3	5
Acetic Anhyderide	Seizure	62	363	243	22
	Cases	3	3	7	1

## 8.15 Do's: 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. Were his belief and the ground that search authorization cannot be obtained without affording opportunity for concealment of evidence or facility for escape of the offenders, 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 documents as at 1 or 2, as applicable, sent to his official superior within 72 hours? (Section 42(2) of the NDPS Act)

4. Were the copy of Search Authorization shown and signatures of two independent local witnesses and the owner/occupier available in the premises obtained at the time of search? (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 to 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?
7. Was a lady officer present in the search team to ensure that a female has searched a female? (Section 50(4) of the NDPS Act)
8. Was there sufficient reason to believe that the person about to be searched will part possessions of drug and other incriminating articles and, hence, could not be taken to senior officers, and if yes, whether it was recorded in writing? (The person about to be searched for suspected 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)
9. Was the copy of the documents, as at serial No. 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 resulted to show presence of NDPS or CS (Control Substances) and was it all documented?
11. Were all the recovered documents, articles or things scrutinized/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 Panchnama?
13. Were all the goods, documents, articles, things and assets found relevant to the commission of offence and subsequent investigations, recovered during search, seizure and the fact of seizure documented in the Panchnama?

### Drawal of Samples

1. 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 and hashish and 10 in case of other drugs) of the suspects seized substances on the spot?
2. Was it ensured that the representative samples are of specified weights? (24 g. each in case of opium, ganja and charas and 5 g. each in case of all others). Less than 5g. may also be sent.
3. Were all the packages including the representative samples properly packed, marked and sealed?
4. (For easy reference, the parent package or lot can be marked as P1 and L1 and the two sets of samples as SOI and SDI and so on. Samples should be kept in heat sealed plastic pouches which may be kept in paper envelopes before marking and sealing).
5. 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?
6. Was the Panchanama/seizure memo/mahazar drawn carefully on the spot, correctly indicating sequence of events including start and end time of the search proceeding?
7. Was it ensured that the Panchanama and all the recovered/seizure documents/article/things bears signature of the person whose premises was searched or from whom the recovery was made. Two independent witnesses, the IO and the lady officer are to be present if a lady was searched?
8. Was a notice to examine the owner/occupants and recovery witnesses under Section 67 of the Act issued and their statements recorded by the IO?

### 8.16 Chain of Custody of Seized Drugs and Precursors

1. 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*?
2. Were the samples sent to the notified laboratory for analysis and report within 72 hours of seizure?

### 8.16.1 Laboratories to which samples may be sent:

The seizing officers of the Central Government departments, viz., Customs, Central Excise, Central Bureau of Narcotics, D.R.I, etc., should dispatch samples of the seized drugs to one of the laboratories of the Central Revenues Control Laboratory nearest to their offices depending upon the availability of test facilities. The addresses of the Central Revenues Control Laboratories are given below:

1. Director, Central Revenues Control Laboratories, Pusa, IARI campus, New Delhi-110012.
2. Joint Director, Govt. Opium and Alkaloid Works, Ghajipur (UP).
3. Chemical Examiner, Govt. Opium and Alkaloid Works, Neemuch (MP).
4. Joint Director, Customs, House Laboratory, Customs House, Chennai-600001.
5. Joint Director, Chemical Laboratory, Customs House, Kolkata-1.
6. Joint Director, New Customs House, Ballard Estate, Mumbai-38.
7. Joint Director, Jawahar Customs House, NhevaSheva (Raigarh).
8. Chemical Examiner, Customs House Laboratory, Customs House, Cochin-9.
9. Chemical Examiner, Customs C. Ex. Laboratory, YashKamal Bldg., 8<sup>th</sup> Floor, Baroda-5.
10. Chemical Examiner, Customs House Laboratory, Vishakhapatnam (AP).
11. Chemical Examiner, Customs House Laboratory, Customs House, New Kandla (Gujarat).
12. Chemical Examiner, Customs House Laboratory, Sada, Marmagua, Goa-403803.
13. Chemical Examiner, Customs House Laboratory, Assam Oil Refinery, Digboi (Assam).
14. Chemical Examiner, Customs House Laboratory, Barauni Oil Refinery, Barauni, Begusarai.
15. Chemical Examiner, HPLC Refinery, Corridor Road, Trombay, Mumbai-400074.

*The other Central Agencies like B.S.F, C.B.I and other central police organizations may send such samples to the Director, Central Forensic Laboratory, New Delhi/CFSL, Chandigarh/Hyderabad/Kolkata.*

All state enforcement agencies may send samples of seized drugs and psychotropic substances to the Director/ Dy. Director/Assistant Director of their respective state forensic science laboratories.

#### 8.16.2 The addresses of state forensic science laboratories are given below:

1. Director, Forensic Science Laboratories, Govt. of Bihar, Patna–800023.
2. Director, Police Forensic Science Laboratory, Rajasthan, Nehru Nagar, Jaipur–302006.
3. Director, Forensic Science Laboratories, Mini Punjab Sector, Plot no. 2, Sector 9A, Chandigarh.
4. Director, State Forensic Science Laboratory, Rasulgarh, Bhubaneswar (Orissa).
5. Director, Forensic Science Laboratory, Haryana, Madhuban (Karnal).
6. Director, Forensic Science Laboratory, Andhra Pradesh, Red Hills, Hyderabad–4.
7. Director, Forensic Science Laboratory, Trivandrum–10.
8. Director, State Forensic Science Laboratory, West Bengal, Balgachia Road, Kolkata–37.
9. Director, Forensic Science Laboratory, 5-Miller Road, Om MehalBldg., Banglore–560052.
10. Director, Forensic Science Laboratory, Assam, Kahitapara, Guwahati–19.
11. Director, Forensic Science Laboratory, KamaragarSalai, Mylapore, Chennai–4.
12. Director, Forensic Science Laboratory, Gujarat, New Mental Corner, Ahmedabad–380016.
13. Director, Forensic Science Laboratory, Maharashtra, Santa Cruz (East), Mumbai–400098.
14. Director, Forensic Science Laboratory, Civil Lines, Sager (M.P.) –470001.
15. Director, Forensic Science Laboratory, Mahanagar, Lucknow (U.P.).
16. Director, Forensic Science Laboratory, New Delhi.
17. Assistant Director, Forensic Science Laboratory, Junagarh (Gujarat).
18. Chemical Examiner of U.P. Govt., Agra (U.P.).
19. Director, Forensic Science Laboratory, Opposite C.D. Hospital, Sri Nagar (J.K.).



### 8.16.3 Follow Up

1. 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?
2. Was the test report received from the laboratory in time before filing complaint? If not, is it being followed up?
3. Was the investigation completed on time, at least two weeks before the time to file complaints? (Complaint has to be filed within 180 days (see Section 36 A (4) of NDPS Act, 1985 as amended) for large quantity cases and 60 days for other cases. The IO should have adequate time to compile and collate all evidence and obtain department opinion of the counsel before filing it in the court)
4. Is the complaint complete in all respects and includes all materials, 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?

### 8.17 Common Reasons for Acquittal

1. Don't forget to send a copy of the reasons to immediate superior officer under section 42 (2) of the Act. It's non-compliance is fatal to the prosecution.
2. Don't forget to give option of being searched by Gazetted Officer/a Magistrate to the accused under section 50 of the Act. It's non-compliance is fatal to the prosecution.
3. Don't forget to reduce in writing the information received about some narcotic drug/psychotropic substance illegally kept/concealed. Send copy of information to superior officer. Non-compliance of section 42 is fatal for prosecution.
4. Don't forget to get the search of female offender made by a female constable under section 50 (4) of the Act. Non-compliance is fatal to the prosecution.
5. Don't forget to draw and seal the sample and residue substance.
6. Don't forget to hand over the seal to independent witness till the case property is sent for analysis.
7. Seizure memo, arrest memo, spot memo, etc., must be attested by witnesses.

8. Don't forget to disclose the ground of arrest to the accused and his family/friends.
9. Case property must be produced before the Magistrate for attestation for pre-trial disposal. The inventory must be prepared and photographs taken in compliance with Section 52A (2) of the Act.
10. Don't forget to join independent witness in investigation.
11. Don't forget to file the challan within the time frame prescribed by law.

### 8.18 Seizure List

1. Prepare list of evidence material collected from the scene.
2. List should be signed by two public witnesses giving their full details including permanent and temporary addresses.
3. The packets/parcels containing evidence material should be labelled giving description of its contents (exhibits), case reference and should be signed by the IO.
4. Forwarding memo should be filled up giving brief history of the case, details of the parcels and their contents, nature of examination required and certificate authorizing the Director, Forensic Science Laboratory for examination of the exhibits.

### 8.19 End of Search

Before leaving the crime scene the IO should ensure that:

1. The crime scene search has been done thoroughly.
2. All evidence collected at crime scene is properly packed, labelled and sealed.
3. All memos are duly filled in and all other formalities in respect of procedures mandated by the law are completed.

### 8.20 Scrutiny of Evidence Collected from Crime Scene

A thorough scrutiny of the evidence collected from a crime scene provides highly relevant and useful information for the purpose of investigation including crucial information about:

1. Accused—identity of accused, information about other accused involved.
2. Crime—items and/or description of items used for commission of crime, modus operandi.

## 8.21 Questionnaire

1. Whether the recovered substance is covered under NDPS Act or not?
2. Whether the given substance contains the entire mixture or any solution or anyone or more narcotic drugs or psychotropic substances of that particular drug in doses, forms or isomers, esters, ethers, and salts of these drugs, including salt of esters, ethers and isomers, wherever existence of such substances is possible and not just its pure drug content?
3. Whether the substance identified is synonymous to any other substance mentioned in NDPS Act?

## 8.22 Case Study

### Case study 1

Attempt to establish clandestine methamphetamine lab by a foreign syndicate have come to the notice of Law Enforcement Agencies in India in the past. However, it is very difficult to detect clandestine methamphetamine lab as it is generally established in the garb of shop detergent powder manufacturing unit. However, a typical indicator of such clandestine Methamphetamine lab is round bottom two neck glass flask,

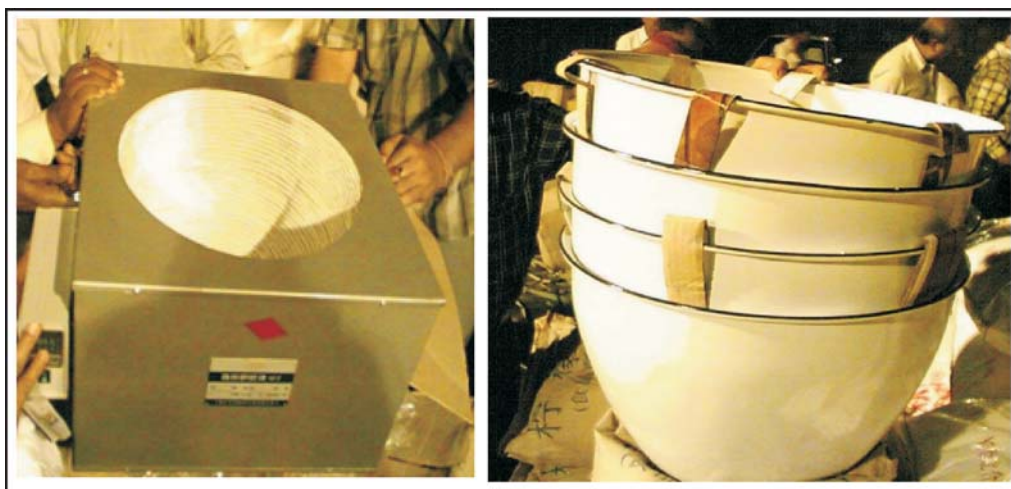
highly temperature resistant thermometer (showing 1200 degree temperature), glass reflex condenser, bucket sieve, which have no role to play in shop manufacturing units. Some of these items which are seized by Narcotics Control Bureau at Calcutta Port in November, 2006, are given below to give an idea. For further assistance in investigation, one should approach Narcotic Control Bureau.



(a) Buchner funnel



(b) Buchner Flask



(c) Heating Mantle

(d) Glass Dish



(e) Glass Column

**Figure 8.19:** Equipments and glassware recovered from a container which was brought by ship at Calcutta harbour.

**Case Study 2**

A passenger travelling in 4518 DN Unchahar Express consumed a biscuit offered by a fellow passenger and fell unconscious. The suspect eventually arrested by the police was identified by victim as one of his fellow passengers in the train. The police recovered a packet containing nine cream biscuits from the suspect. These cream biscuits were sent to FSL. Upon examination, it was found that the peripheral grooves of four out of these nine biscuits were filled with a paste looking like the cream of the biscuits.

When these biscuits were opened apart, it was observed that the layer of cream filled between the two biscuits had no continuity with the paste filled in the peripheral grooves, thus, indicating the extraneous origin.

The peripheral grooves were subjected to chemical analysis and lorazepam, a tranquiliser was detected in the paste filled in the peripheral grooves, of the biscuits, thus, establishing the use of tranquilizer by the criminal in perpetrating this crime.

Source: Case reported by FSL Haryana

## References

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3. Justice K. Kannan.Karunalaran Mathiharan, ed., *Modi: A Textbook of Medical Jurisprudence and Toxicology*, rpt, Allahabad Central Law Agency, 2013.
4. *The Narcotic Drugs and Psychotropic Substances Act*, 1985.