

**CONTENTS IN BRIEF**

- Detailed Contents of Case Law . . . . . **I-9**
- Table of Cases Digested . . . . . **I-11**

**STATUTORY LAW**

- Narcotic Drugs and Psychotropic Substances  
Act, 1985 . . . . . **I-15**
- Narcotic Drugs and Psychotropic Substances  
Rules, 1985. . . . . **I-91**
- Drugs and Cosmetics Act, 1940. . . . . **I-149**

**CASE LAW**

- Digest of Case Law. . . . . **1-77**



**DETAILED CONTENTS OF CASE LAW**

- 1. Generally . . . . . 3**
- 2. Narcotic Drugs and Psychotropic Substances Act, 1985 . . . . . 3**
  - Section 2 . . . . . 3
  - Section 8 . . . . . 4
  - Section 13 . . . . . 8
  - Section 14 . . . . . 10
  - Section 15 . . . . . 10
  - Section 16 . . . . . 13
  - Section 17 . . . . . 13
  - Section 18 . . . . . 14
  - Section 19 . . . . . 16
  - Section 20 . . . . . 16
  - Section 21 . . . . . 19
  - Section 22 . . . . . 20
  - Section 25 . . . . . 20
  - Section 29 . . . . . 20
  - Section 32-A . . . . . 20
  - Section 35 . . . . . 22
  - Section 36-A . . . . . 24
  - Section 37 . . . . . 24
  - Section 42 . . . . . 24
  - Section 43 . . . . . 31
  - Section 44 . . . . . 32
  - Section 50 . . . . . 32
  - Section 52 . . . . . 33
  - Section 52-A . . . . . 33
  - Section 55 . . . . . 46
  - Section 57 . . . . . 46
  - Section 63 . . . . . 46
  - Section 67 . . . . . 46
  - Section 68-I . . . . . 47
- 3. Narcotic Drugs and Psychotropic Substances Rules, 1985 . . . . . 48**

<b>4. Narcotic Drugs and Psychotropic Substances (Regulation of Controlled Substances) Order, 2013</b> .....	48
<b>5. Opium Act, 1878</b> .....	48
<b>6. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988</b> .....	48
<b>7. Convention on Narcotic Drugs, 1961</b> .....	48
<b>8. Convention on Psychotropic Substances, 1971</b> .....	48
<b>9. Liquor</b> .....	49
9.2 <i>Kerala Abkari Act, 1077 ME (1 of 1077)</i> .....	48
9.2 <i>Liquor/Spurious Liquor Tragedy/Deaths/Hooch Tragedy</i> .....	49
9.3 <i>Prohibition/Illegal Production/Trade/Transportation of Liquor</i> .....	49
9.4 <i>Punjab Excise Act, 1914</i> .....	49
<b>10. Substance Abuse</b> .....	49
<b>11. Drugs, Cosmetics and Pharmacy</b> .....	49
11.1 <i>Drugs, Medicines and Medicaments</i> .....	49
<b>11.2 <i>Drugs and Cosmetics Act, 1940</i></b> .....	50
11.3 <i>Drugs and Cosmetics Rules, 1945</i> .....	50
11.4 <i>Drugs (Prices Control) Order, 1995</i> .....	50
11.5 <i>Marketing, Retailing and Patent Issues re Drugs</i> .....	75
11.6 <i>Marketing, Retailing and intellectual Property Issues re Drugs</i> .....	75
11.7 <i>Pharmacy Act, 1948</i> .....	75
11.8 <i>Price control</i> .....	76
11.9 <i>Taxation of drugs and cosmetics</i> .....	77

## Table of Cases Digested

The number(s) after the arrow refer to the docket number(s) of the digest notes (in bold) where that case has been digested. By this table, from any known case the other cases on the same point placed in the proximate digest notes can be located. No docket numbers are to be found in respect of cited and connected orders and additional cause title(s).

### A

Ajay Kumar Vishwakarma ; Ranjan Sinha *See* Ranjan Sinha *v.* Ajay Kumar Vishwakarma  
Ar Laxmi Nagappa Koli *v.* Narcotics Control Bureau, (2015) 13 SCC 598: (2016) 1 SCC (Cri) 656➤**4**  
Arutla Shankaraiah *v.* State of A.P., (2015) 15 SCC 235: (2016) 4 SCC (Cri) 917➤**6, 7**  
Asha Devi ; State of Haryana *See* State of Haryana *v.* Asha Devi

### B

Baldev Singh *v.* State of Haryana, (2015) 17 SCC 554: (2015) 156 AIC 95 : (2016) 1 Cal LJ 33 : 2016 Cri LJ 154: (2016) 158 AIC 184➤**26, 28**  
Bhawar Singh *v.* Central Bureau of Narcotics, (2018) 15 SCC 288➤**5, 50**

### C

Central Bureau of Narcotics ; Bhawar Singh *See* Bhawar Singh *v.* Central Bureau of Narcotics  
Cipla Ltd. ; Union of India *See* Union of India *v.* Cipla Ltd.

### D

Darshan Singh *v.* State of Haryana, (2016) 14 SCC 358: (2016) 4 SCC (Cri) 379➤**37**  
Dilbagh Singh *v.* State of Punjab, (2017) 11 SCC 290: (2017) 4 SCC (Cri) 312: (2017) 170 AIC 189➤**14, 42, 47**

### E

Excise Inspector ; Paul Kuriakose *See* Paul Kuriakose *v.* Excise Inspector

### G

Girish Raghunath Mehta *v.* Inspector of Customs, (2016) 16 SCC 200: (2016) 4 SCC (Cri) 821: AIR 2016 SC 4317: (2016) 166 AIC 124 : 2016 Cri LJ 5075➤**48**  
Gulsher Mohammed *v.* State of H.P., (2015) 17 SCC 682➤**31, 32, 36**

**H**

Hira Singh *v.* Union of India, (2017) 8 SCC 162: (2017) 3 SCC (Cri) 616: (2017) 176 AIC 64>23

**I**

Ibrahim Adamali Patel *v.* Union of India, (2016) 14 SCC 311: (2016) 4 SCC (Cri) 371: (2016) 335 ELT 677>49

Inspector of Customs ; Girish Raghunath Mehta *See* Girish Raghunath Mehta *v.* Inspector of Customs

**J**

Jagat Singh *v.* State of Uttarakhand, (2016) 13 SCC 119: (2016) 4 SCC (Cri) 156: AIR 2016 SC 3397: 2016 Cri LJ 3678: (2016) 165 AIC 138>38

Jagraj Singh ; State of Rajasthan *See* State of Rajasthan *v.* Jagraj Singh

**K**

Krishan *v.* State of Haryana, (2015) 16 SCC 283: (2015) 4 SCC (Cri) 817>24

Kulwinder Singh *v.* State of Punjab, (2015) 6 SCC 674: (2015) 3 SCC (Cri) 345: AIR 2015 SC 2488: 2015 Cri LJ 3160: (2015) 151 AIC 217>10, 11, 27, 41

**L**

Laborate Pharmaceuticals India Ltd. *v.* State of T.N., (2018) 15 SCC 93>53, 54

Laxmi Nagappa Koli *v.* Narcotics Control Bureau, (2015) 13 SCC 598: (2016) 1 SCC (Cri) 656>3

**M**

Mahiman Singh *v.* State of Uttarakhand, (2016) 13 SCC 175: (2016) 4 SCC (Cri) 169: AIR 2016 SC 3775: 2016 Cri LJ 4407: (2016) 165 AIC 134>17

Makhan Singh *v.* State of Haryana, (2015) 12 SCC 247: (2016) 1 SCC (Cri) 96: AIR 2015 SC Supp 2012: 2015 Cri LJ 3282: (2015) 152 AIC 60>12, 13, 40

Mohan Lal *v.* State of Rajasthan, (2015) 6 SCC 222: (2015) 3 SCC (Cri) 881: AIR 2015 SC 2098: 2015 Cri LJ 2811: (2015) 150 AIC 221>9, 16, 33, 35

Mohanlal ; Union of India *See* Union of India *v.* Mohanlal

Mukesh Singh ; Union of India *See* Union of India *v.* Mukesh Singh

Mushtaq Ahmad ; State *See* State *v.* Mushtaq Ahmad

**N**

Narcotics Control Bureau ; Ar Laxmi Nagappa Koli *See* Ar Laxmi Nagappa Koli *v.* Narcotics Control Bureau

Narcotics Control Bureau ; Laxmi Nagappa Koli *See* Laxmi Nagappa Koli *v.* Narcotics Control Bureau

Narcotics Control Bureau ; Sekhar Suman Verma *See* Sekhar Suman Verma *v.* Narcotics Control Bureau

**P**

Paul Kuriakose *v.* Excise Inspector, (2016) 11 SCC 214: (2017) 1 SCC (Cri) 288: AIR 2016 SC 1564➤51

**R**

Ranjan Sinha *v.* Ajay Kumar Vishwakarma, (2017) 14 SCC 774➤52, 65, 66

**S**

Sekhar Suman Verma *v.* Narcotics Control Bureau, (2016) 11 SCC 368: (2017) 1 SCC (Cri) 328: AIR 2016 SC 3193: 2016 Cri LJ 4182: (2016) 164 AIC 43 : (2016) 2 Cal LJ 186➤22, 30, 39

State *v.* Mushtaq Ahmad, (2016) 1 SCC 315: (2016) 1 SCC (Cri) 255: 2015 Cri LJ 4935: (2015) 156 AIC 180➤2, 20, 21

State *v.* Yusuf, (2016) 4 SCC 626: (2016) 2 SCC (Cri) 452: AIR 2016 SC 426: (2016) 159 AIC 269 : (2016) 160 AIC 169➤8

State of A.P. ; Arutla Shankaraiah *See* Arutla Shankaraiah *v.* State of A.P.

State of H.P. ; Gulsher Mohammed *See* Gulsher Mohammed *v.* State of H.P.

State of Haryana *v.* Asha Devi, (2015) 8 SCC 39: (2015) 3 SCC (Cri) 433: AIR 2015 SC 3189: 2015 Cri LJ 3406: (2015) 151 AIC 105 : (2015) 152 AIC 129➤18, 19

State of Haryana ; Baldev Singh *See* Baldev Singh *v.* State of Haryana

State of Haryana ; Darshan Singh *See* Darshan Singh *v.* State of Haryana

State of Haryana ; Krishan *See* Krishan *v.* State of Haryana

State of Haryana ; Makhan Singh *See* Makhan Singh *v.* State of Haryana

State of Haryana ; Surender *See* Surender *v.* State of Haryana

State of Punjab ; Dilbagh Singh *See* Dilbagh Singh *v.* State of Punjab

State of Punjab ; Kulwinder Singh *See* Kulwinder Singh *v.* State of Punjab

State of Rajasthan *v.* Jagraj Singh, (2016) 11 SCC 687: (2017) 1 SCC (Cri) 348: AIR 2016 SC 3041: 2016 Cri LJ 3336: (2016) 165 AIC 170➤34

State of Rajasthan ; Mohan Lal *See* Mohan Lal *v.* State of Rajasthan

State of T.N. ; Laborate Pharmaceuticals India Ltd. *See* Laborate Pharmaceuticals India Ltd. *v.* State of T.N.

State of Uttarakhand ; Jagat Singh *See* Jagat Singh *v.* State of Uttarakhand

State of Uttarakhand ; Mahiman Singh *See* Mahiman Singh *v.* State of Uttarakhand

Surender *v.* State of Haryana, (2016) 4 SCC 617: (2016) 2 SCC (Cri) 448: AIR 2016 SC 508: (2016) 159 AIC 24➤15

**T**

Tara Singh *v.* Union of India, (2016) 11 SCC 335: (2017) 1 SCC (Cri) 304: AIR 2016 SC 3058: 2016 Cri LJ 4199: (2016) 164 AIC 184➤25

**U**

Union of India *v.* Cipla Ltd., (2017) 5 SCC 262: AIR 2016 SC 5025: (2017) 1 All LJ 363➤55, 56, 57, 58, 59, 60, 61, 62, 63

Union of India *v.* Cipla Ltd., (2017) 5 SCC 324➤64

Union of India ; Hira Singh *See* Hira Singh *v.* Union of India

Union of India ; Ibrahim Adamali Patel *See* Ibrahim Adamali Patel *v.* Union of India  
Union of India *v.* Mohanlal, (2016) 3 SCC 379: (2016) 1 SCC (Cri) 864: (2016) 333 ELT 209: (2016) 159  
AIC 87>1, 43, 44, 45, 46  
Union of India *v.* Mukesh Singh, (2015) 17 SCC 36>29  
Union of India ; Tara Singh *See* Tara Singh *v.* Union of India

**Y**

Yusuf ; State *See* State *v.* Yusuf

---



# The Narcotic Drugs and Psychotropic Substances Act, 1985

## CONTENTS

### CHAPTER I PRELIMINARY

<i>Sections</i>	<i>Pages</i>
1. Short title, extent and commencement .....	I-23
2. Definitions .....	I-23
3. Power to add to or omit from the list of psychotropic substances ...	I-28

### CHAPTER II AUTHORITIES AND OFFICERS

4. Central Government to take measures for preventing and combating abuse of and illicit traffic in narcotic drugs, etc. ....	I-28
5. Officers of Central Government .....	I-29
6. The Narcotic Drugs and Psychotropic Substances Consultative Committee .....	I-29
7. Officers of State Government .....	I-30

### CHAPTER II-A NATIONAL FUND FOR CONTROL OF DRUG ABUSE

7-A. National Fund for Control of Drug Abuse .....	I-30
7-B. Annual report of activities financed under the Fund .....	I-30

### CHAPTER III PROHIBITION, CONTROL AND REGULATION

8. Prohibition of certain operations .....	I-31
8-A. Prohibition of certain activities relating to property derived from offence .....	I-31
9. Power of Central Government to permit, control and regulate .....	I-31
9-A. Power to control and regulate controlled substances .....	I-34
10. Power of State Government to permit, control and regulate .....	I-34
11. Narcotic drugs and psychotropic substances, etc., not liable to distress or attachment .....	I-35
12. Restrictions over external dealings in narcotic drugs and psychotropic substances .....	I-35

<i>Sections</i>	<i>Pages</i>
13. Special provisions relating to coca plant and coca leaves for use in the preparation of flavouring agent .....	I-35
14. Special provision relating to cannabis .....	I-36
CHAPTER IV OFFENCES AND PENALTIES	
15. Punishment for contravention in relation to poppy straw .....	I-36
16. Punishment for contravention in relation to coca plant and coca leaves .....	I-36
17. Punishment for contravention in relation to prepared opium .....	I-36
18. Punishment for contravention in relation to opium poppy and opium .....	I-37
19. Punishment for embezzlement of opium by cultivator .....	I-37
20. Punishment for contravention in relation to cannabis plant and cannabis .....	I-37
21. Punishment for contravention in relation to manufactured drugs and preparations .....	I-38
22. Punishment for contravention in relation to psychotropic substances .....	I-38
23. Punishment for illegal import into India, export from India or transshipment of narcotic drugs and psychotropic substances .....	I-39
24. Punishment for external dealings in narcotic drugs and psychotropic substances in contravention of Section 12 .....	I-39
25. Punishment for allowing premises, etc., to be used for commission of an offence .....	I-39
25-A. Punishment for contravention of orders made under Section 9-A ..	I-40
26. Punishment for certain acts by licensee or his servants .....	I-40
27. Punishment for consumption of any narcotic drug or psychotropic substance .....	I-40
27-A. Punishment for financing illicit traffic and harbouring offenders ...	I-40
27-B. Punishment for contravention of Section 8-A .....	I-41
28. Punishment for attempts to commit offences .....	I-41
29. Punishment for abetment and criminal conspiracy .....	I-41
30. Preparation .....	I-41
31. Enhanced punishment for offences after previous conviction .....	I-42
31-A. Death penalty for certain offences after previous conviction .....	I-42
32. Punishment for offence for which no punishment is provided .....	I-43
32-A. No suspension, remission or commutation in any sentence awarded under this Act .....	I-44

<i>Sections</i>	<i>Pages</i>
NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES ACT, 1985	I-17
32-B. Factors to be taken into account for imposing higher than the minimum punishment .....	I-44
33. Application of Section 360 of the Code of Criminal Procedure, 1973 and of the Probation of Offenders Act, 1958 .....	I-44
34. Security for abstaining from commission of offence .....	I-44
35. Presumption of culpable mental state .....	I-45
36. Constitution of Special Courts .....	I-45
36-A. Offences triable by Special Courts .....	I-46
36-B. Appeal and revision .....	I-47
36-C. Application of Code to proceedings before a Special Court .....	I-47
36-D. Transitional provisions .....	I-47
37. Offences to be cognizable and non-bailable .....	I-48
38. Offences by companies .....	I-48
39. Power of court to release certain offenders on probation .....	I-48
40. Power of court to publish names, place of business, etc., of certain offenders .....	I-49
CHAPTER V PROCEDURE	
41. Power to issue warrant and authorisation .....	I-49
42. Power of entry, search, seizure and arrest without warrant or authorisation .....	I-50
43. Power of seizure and arrest in public place .....	I-51
44. Power of entry, search, seizure and arrest in offences relating to coca plant, opium poppy and cannabis plant .....	I-51
45. Procedure where seizure of goods liable to confiscation not practicable .....	I-52
46. Duty of land holder to give information of illegal cultivation .....	I-52
47. Duty of certain officers to give information of illegal cultivation ...	I-52
48. Power of attachment of crop illegally cultivated .....	I-52
49. Power to stop and search conveyance .....	I-52
50. Conditions under which search of persons shall be conducted .....	I-52
50-A. Power to undertake controlled delivery .....	I-53
51. Provisions of the Code of Criminal Procedure, 1973 to apply to warrants, arrests, searches and seizures .....	I-53
52. Disposal of persons arrested and articles seized .....	I-53
52-A. Disposal of seized narcotic drugs and psychotropic sub-stances ...	I-54
53. Power to invest officers of certain departments with powers of an officer-in-charge of a police station .....	I-55

<i>Sections</i>	<i>Pages</i>
53-A. Relevancy of statements under certain circumstances .....	I-55
54. Presumption from possession of illicit articles .....	I-55
55. Police to take charge of articles seized and delivered .....	I-56
56. Obligation of officers to assist each other .....	I-56
57. Report of arrest and seizure .....	I-56
57-A. Report of seizure of property of the person arrested by the notified officer .....	I-56
58. Punishment for vexatious entry, search, seizure or arrest .....	I-56
59. Failure of officer in duty or his connivance at the contravention of the provisions of this Act .....	I-56
60. Liability of illicit drugs, substances, plants, articles and conveyances to confiscation .....	I-57
61. Confiscation of goods used for concealing illicit drugs or substances .....	I-58
62. Confiscation of sale proceeds of illicit drugs or substances .....	I-58
63. Procedure in making confiscations .....	I-58
64. Power to tender immunity from prosecution .....	I-58
64-A. Immunity from prosecution to addicts volunteering for treatment ..	I-59
65. Power to make rules regulating disposal of confiscated articles and rewards [ <i>Omitted</i> ] .....	I-59
66. Presumption as to documents in certain cases .....	I-59
67. Power to call for information, etc. ....	I-60
68. Information as to commission of offences .....	I-60
CHAPTER V-A	
FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY	
68-A. Application .....	I-60
68-B. Definitions .....	I-61
68-C. Prohibition of holding illegally acquired property .....	I-63
68-D. Competent authority .....	I-63
68-E. Identifying illegally acquired property .....	I-63
68-F. Seizure or freezing of illegally acquired property .....	I-64
68-G. Management of properties seized or forfeited under this Chapter ..	I-64
68-H. Notice of forfeiture of property .....	I-65
68-I. Forfeiture of property in certain cases .....	I-65
68-J. Burden of proof .....	I-66
68-K. Fine in lieu of forfeiture .....	I-66
68-L. Procedure in relation to certain trust properties .....	I-66

<i>Sections</i>	<i>Pages</i>
68-M. Certain transfers to be null and void .....	I-67
68-N. Appellate Tribunal .....	I-67
68-O. Appeals .....	I-67
68-P. Notice or order not to be invalid for error in description .....	I-68
68-Q. Bar of jurisdiction .....	I-68
68-R. Competent authority and Appellate Tribunal to have powers of civil court .....	I-68
68-S. Information to competent authority .....	I-69
68-T. Certain officers to assist Administrator, competent authority and Appellate Tribunal .....	I-69
68-U. Power to take possession .....	I-69
68-V. Rectification of mistakes .....	I-69
68-W. Findings under other laws not conclusive for proceedings under this Chapter .....	I-70
68-X. Service of notices and orders .....	I-70
68-Y. Punishment for acquiring property in relation to which proceedings have been taken under this Chapter .....	I-70
68-Z. Release of property in certain cases .....	I-70
CHAPTER VI	
MISCELLANEOUS	
69. Protection of action taken in good faith .....	I-70
70. Central Government and State Governments to have regard to international conventions while making rules .....	I-70
71. Power of Government to establish centres for identification, treatment, etc., of addicts and for supply of narcotic drugs and psychotropic substances .....	I-71
72. Recovery of sums due to Government .....	I-71
73. Bar of jurisdiction .....	I-71
74. Transitional provisions .....	I-72
74-A. Power of Central Government to give directions .....	I-72
75. Power to delegate .....	I-72
76. Power of Central Government to make rules .....	I-72
77. Rules and notifications to be laid before Parliament .....	I-73
78. Power of State Government to make rules .....	I-73
79. Application of the Customs Act, 1962 .....	I-74
80. Application of the Drugs and Cosmetics Act, 1940 not barred .....	I-74
81. Saving of State and special laws .....	I-74
82. Repeal and savings .....	I-74

I-20            NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES ACT, 1985

<i>Sections</i>	<i>Pages</i>
83. Power to remove difficulties .....	I-74
SCHEDULE .....	I-75
NOTIFICATIONS .....	I-82

---