

Commissionerate of Excise
Thiruvananthapuram
Date : 08/01/2020
e-mail : ecoffice.exc@kerala.gov.in
Phone :0471-2332632

CIRCULAR NO. EXC1/2020/EXCISE

Sub: NDPS Act – Disposal of conveyance involved in NDPS cases –
Procedural formalities – Instructions issued – Reg.

Ref : 1. GO(Rt)No. 184/1992/TD dated 21/03/1992.
2. GO(Ms)No. 44/2003/TD dated 15/03/2003.
3. GO(Ms)No. 107/2008/TD dated 24/05/2008.
4. Notification No. GSR 38(E) dated 16/01/2015.
5. GO(Ms)No. 76/2016/TD dated 22/07/2016.
6. GO(Ms)No. 56/2019/Taxes dated 22/10/2019.

The Central Government vide Notification issued as per reference 4th above, partly modified the Notification No: GSR 339(E) dated 10/05/2007, by providing specific provision for the preparation of inventory of narcotic drugs, psychotropic substances, controlled substances and conveyances, under section 52 A of NDPS Act 1985. The Apex Court in Union of India vs Mohan Lal, discussed the disposal mechanism in respect of conveyance, in which narcotic drugs and psychotropic substances have been allegedly carried in violation of law, and directed that the heads of Departments concerned shall ensure that appropriate applications are moved by the Officers competent to do so, under Notification dated 16/01/2015, before the Drug Disposal Committees concerned and steps for disposal of such narcotic drugs and psychotropic substance and controlled substances and conveyances taken without any further loss of time. In view of the above, the Government of Kerala, as per reference 6th above, has constituted Narcotic Drugs and Psychotropic Substances and Conveyance Disposal Committee in Excise Department in all Districts. Accordingly the under mentioned guidelines are issued for the due observance of Committees constituted for the purpose, in order to implement the Government Order referred above.

1. The Committee will follow the guidelines contained in the Standing Orders issued by Government of India and Government of Kerala from time to time.
2. The Committee will undertake detailed analysis of vehicle pending disposal

cases with the Department. It will advise the Investigating Officers/ Supervisory Officers on the steps to be initiated for the expeditious disposal. Progress in disposal shall be reported by the Committee with specific remarks/ recommendation to the undersigned.

3. The Committee will meet as frequently as possible, as may be considered necessary for quick disposal of drugs and conveyances, at least once in a month. Minutes of such meetings, along with certificates of destruction with mahazar of such proceedings, should be forwarded without further delay to the O/o. the Additional Excise Commissioner (Enf), for review of the progress of disposal.
4. Upon seizure of any narcotic drug, psychotropic substance or conveyance, the seizing Officer shall forward it immediately to the Officer-in-Charge as designated under section 53 of NDPS Act.
5. In the case of conveyances, detailed inventory of the conveyance shall be prepared, with specific description of valuables and costly parts of the vehicle, in consonance with the seizure mahazar.
6. The Designated Officer shall prepare an inventory of such narcotic drug, psychotropic substance, controlled substance or conveyance, as per Annexure I of the Notification referred 4th above, and apply to any Magistrate under sub section (2) of section 52A of the NDPS Act, as per Annexure II of the said Notification.
7. The inventories prepared in Annexure I, shall be get certified by the competent Magistrate, as immediately as possible, complying all the procedures as stipulated in the Notification, for which designated Officer shall take all adequate steps in a time bound manner.
8. Since the power of Disposal Committee, in the case of disposal of seized conveyances confined upto the value of rupees 20 lakhs only, it shall be get valued by the mechanical Engineer of Excise Department or an equivalent officer designated by PWD.
9. It is the duty of designated officer, under section 52A of NDPS Act, to place the conveyance before the Disposal Committee and he shall obtain concurrence from concerned trial Court while placing it before the Committee in a time bound manner, along with godown receipt, inventory of vehicle, valuation certificate and connected documents.

10.If the consignments are of larger in quantity, or conveyance is of higher value than that mentioned in table attached to Para 8 of the notification issued in this regard, it shall be reported to the undersigned, with specific recommendation of Disposal Committee.

11 The seized conveyance shall be sold by way of tender or auction as determined by the Disposal Committee.

When vehicles are seized and kept in various Offices, not only they occupy substantial space of the Offices, but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a well maintained vehicle loses its road worthiness if it is kept stationary in the Offices for more than 15 days. Hence in view of the above, all the Officers are directed to follow the guidelines in the best interest of the State.

S. AANANTHAKRISHNAN IPS
Excise Commissioner

Copy to :

1. Additional Excise Commissioner (Admn)/(Enft)
2. Vigilance Officer (Excise)
3. Joint/ Deputy/ Assistant Excise Commissioner (All)
4. Circle Inspector of Excise/ Excise Inspector (All)
5. XE9 Seat/ Circular File.
6. Order/ Stock File.