

KERALA STATE EXCISE DEPARTMENT

Commissionerate of Excise,
Thiruvananthapuram,
Dated: 18/03/2020
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Circular No.-EXC8/2020/EXCISE

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

Ref : 1. Circular No. EXC1/2020/EXCISE dated 18.01.2020.
2. GO(MS) No. 56/2019/Taxes dated 22/10/2019.

The following instructions are issued in continuation of the Circular referred above with regard to the disposal of vehicles seized as "Conveyance" in offenses under the NDPS Act 1985.

The Government have issued order referred above by which the District Level Committees consisting of Deputy Excise Commissioner of the Division as Chairman and Assistant Excise Commissioner and Excise Circle Inspector of the EE & ANSS as Members for disposing the vehicles seized as conveyance under the NDPS Act.

1. The Section 52(A) of the NDPS Act authorizes the disposal of conveyances by the appropriate committee formed by the Government, which in the case of Excise Department is the committee referred above to dispose of such conveyances after preparation of inventory as provided in Section 52(A) (2) and (3).
2. Section 52(A) of the Act provides for disposal of the conveyance which implies disposal within the shortest period of the time by way of public auction. There is no scope under this section to entertain appeals by the

- owners of the conveyances concerned by the District level Committees. Similarly the Committee has no authority to consider actions such as granting interim custody or release of vehicle under any circumstances.
3. The practice of producing the vehicles used as conveyance before the courts as Thondy articles should not be resorted to in future. It is observed that this practice is in existence in some offices and this is not lawful.
 4. It is seen that the Deputy Excise Commissioners of various Districts have not convened Disposal Committees resulting in huge backlog of vehicles and also numerous avoidable appeals and court procedures. All Deputy Excise Commissioners are instructed to ensure that the above orders are complied without any delay in pending as well as future cases. The conveyances must be disposed immediately, observing formalities prescribed for auction.
 5. The Zonal Joint Excise Commissioners will personally supervise this in their monthly reviews as also the Additional Excise Commissioner (Enforcement).

The circular first cited is modified to the above extent.

Signature valid

Digitally signed by AANANTHAKRISHNAN S
Date: 2020.03.18 16:04:34 IST
Reason: Approved

**S. AANANTHAKRISHNAN IPS
EXCISE COMMISSIONER**

Copy to:-

1. Additional Excise Commissioner (Admin/Enf)
2. Vigilance Officer (Excise)
3. Joint Excise Commissioners (All)
4. Deputy Excise Commissioners (All)
5. Assistant Excise Commissioners(All)
6. Circle Inspector of Excise (All)
7. Excise Inspectors (All)