

WP.Crl.(MD)No.436 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP.Crl.(MD)No.436 of 2025

R.Saiju

: Petitioner

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.The Deputy Superintendent of Police,
Periyakulam,
Theni District.

3.The Inspector of Police,
Devadanapetti Police Station,
Theni District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 06.01.2025 and pass appropriate orders.



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WP.Crl.(MD)No.436 of 2025

For Petitioner : Mr.M.S.Ajeesh

For Respondents: Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking a direction to the respondent police to release the petitioner's vehicle, which was seized in connection with Crime No.417 of 2024, on the file of the Inspector of Police, Devathanapatti Police Station, Theni, registered under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act").

2. The facts of the case is that on 21.02.2024, at around 07:00 am, during a routine vehicle check conducted at Patla Untunda to Pery Quella Main Road by the respondent police, in coordination with the revenue officials, a vehicle bearing Registration No.KL-02-AR-9831 was intercepted on suspicion. Upon inspection, five packets of Ganja weighing approximately 26.562 kilograms were found concealed inside the said vehicle. Following the procedures as mandated under the Narcotic Drugs



and Psychotropic Substances Act, 1985, the respondent police seized the contraband substance along with other incriminating materials, including the vehicle in question.

3. According to the petitioner, he is the registered owner of the vehicle in question and the vehicle was lent by him to a friend, who, without his knowledge or consent, subsequently handed it over to the first accused. It is alleged that the said vehicle was thereafter misused for the illegal transportation of Ganja to the State of Kerala.

4. Learned Counsel for the petitioner contended that the petitioner has no involvement whatsoever in the alleged offence. However, his vehicle has been seized and is presently lying idle, leading to deterioration and consequent hardship. Despite submitting a request dated 06.01.2025 for return of the vehicle, no orders have been passed on the same.

5. He has also relied on the judgment of the Hon'ble Supreme Court in *Sunderbai Ambalal Desai v. State of Gujarat* [(2002) 10 SCC 281],



wherein it was held that the Courts have the power under Section 451 CrPC to order interim custody of seized property, including vehicles, pending trial, to prevent unnecessary damage or deterioration of the property. Therefore, he prayed for appropriate orders for release of vehicle.

6. Learned Additional Public Prosecutor, on the other hand, submitted that Ganja to the tune of 26.5 kgs was recovered from the petitioner's vehicle. Since the vehicle has been recovered for the offence under the provisions of the NDPS Act, it has to be disposed only by the Drug Disposal Committee constituted for this purpose. He further submitted that the vehicle has already been referred to the Drug Disposal Committee.

7. In support of his contention, he has relied on the judgment of the Hon'ble Supreme Court in *Union of India v. Mohanlal* [(2016) 3 SCC 379] and the judgment of this Court in *R.Manimaran v. State of Tamil Nadu* [Crl.A(MD)No.192 of 2025, dated 09.07.2025]. He has also relied on the



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Standard Operating Procedure for disposal of vehicles seized under the NDPS Act, issued by the Government of Tamil Nadu, vide Letter No.66, Home, Prohibition and Excise Department, dated 04.07.2025.

8. This Court considered the rival submissions made on either side and perused the materials placed on record, including the Standard Operating Procedure dated 04.07.2025.

9. At the outset, it is not in dispute that the vehicle in question was seized during an investigation under the NDPS Act, and that the same has already been referred by the respondent police to the Drug Disposal Committee (DDC) constituted under the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022. In view of the above development, this Court is of the considered view that the petitioner has to work out his remedy before the Drug Disposal Committee, which is already seized of the matter.



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10. However, it is brought to the notice of this Court that the Hon'ble Supreme Court, very recently, in *Bishwaijit Dey v. State of Assam [(2024) SCC OnLine SC 123]*, permitted interim custody of a vehicle under Section 451 CrPC, which was seized for the offence under the provisions of NDPS Act, on the ground that the registered owner was not implicated in the offence, and the vehicle had remained unused and exposed to damage.

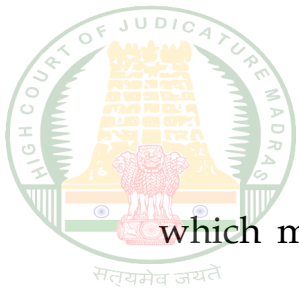
11. Therefore, the core question to be considered is whether such release of vehicle can be granted under the general provisions of the Code of Criminal Procedure, 1973 ("CrPC") – particularly Sections 451 and 457 – or whether the special procedure prescribed under Section 52A of the NDPS Act and the NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022 must be mandatorily followed, in cases registered under the provisions of the NDPS Act.



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12. The Hon'ble Supreme Court in *Bishwaijit Dey's* case (supra) allowed the release of a seized truck, as an interim relief, under Section 451 CrPC. The vehicle, although involved in the alleged transportation of heroin, belonged to a person who was not an accused. The driver and helper were shown as witnesses, and the vehicle had been lying idle in police custody. The Court considered the hardship faced by the registered owner and ordered interim release, observing that such relief may be granted in appropriate cases.

13. With due respect to the Hon'ble Supreme Court, it must be noted that the judgment in *Bishwaijit Dey's* case (supra) is based on a specific factual matrix and does not engage with the statutory disposal mechanism provided under the NDPS Act. The judgment does not refer to Section 52A of the NDPS Act, nor to the NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022, nor to the binding directions issued by the Hon'ble Supreme Court itself in *Union of India v. Mohanlal* [(2016) 3 SCC 379],

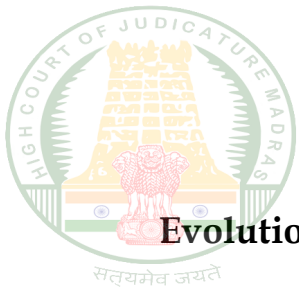


which made it clear that the process of disposal, including return to the rightful owner, must be carried out independently of the trial and in accordance with law. Nor is there any reference to the legal bar under Section 36C and Section 51 of the NDPS Act, which restrict the application of CrPC to the extent not inconsistent with the NDPS Act.

14. In fact, in paragraph 31 of the said judgment in **Bishwaijit Dey's** case (supra), the Hon'ble Supreme Court itself observed:

"This Court clarifies that the aforesaid discussion should not be taken as laying down a rigid formula, as it will be open to the trial Courts to take a different view, if the facts of the case so warrant."

15. This Court, respectfully invoking that liberty, takes a different view. With the greatest respect, the omission to consider Section 52A, the 2022 Rules, and the binding mandate in **Mohanlal's** case (supra) makes the decision in **Bishwaijit Dey's** case (supra) fact-specific and not a binding precedent in matters involving statutory disposal under the NDPS Act.



Evolution of Pre-Trial Disposal under the NDPS Regime:

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16. The necessity to introduce Section 52A arose in view of the International Convention of 1988 held by the United Nations, which adopted “United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988”. Another convention under the aegis of South Asian Association for Regional Cooperation (SAARC) also came to be held in December, 1988, in which it was resolved that Member States will take measures for early destruction or lawful disposal of narcotic drugs and psychotropic substances. India, being a Member-State, was a signatory to the said conventions. Resultantly, the statutory provision as contained in Section 52A for disposal of seized narcotic drugs and psychotropic substances came to be inserted in the Act with effect from 29.05.1989.

17. It is pertinent to note that the object and purpose of Section 52A of the NDPS Act, introduced by Amendment Act 2 of 1989, was to provide a mechanism for the pre-trial disposal of seized narcotic drugs and



psychotropic substances. The Statement of Objects and Reasons clearly reflect this intent:

"2. ... (iv) to provide for pre-trial disposal of seized drugs. "

18. Recognizing the dangers of prolonged storage and risk of pilferage or misuse, Section 52A empowered the Central Government to prescribe the manner in which such disposal is to be carried out. The same is extracted as under:-

"52A. Disposal of seized narcotic drugs and psychotropic substances. –

*(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, **as soon as may be after their seizure, be disposed** of by such officer and in such manner as that Government may, from time to time, determine after following the*



procedure hereinafter specified.

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(2) Where any narcotic drugs, psychotropic substances, controlled substances or conveyances has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53, the officer referred to in sub-section (1) shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs, psychotropic substances, controlled substances or conveyances or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs, psychotropic substances, controlled substances or conveyances in any proceedings under this Act and make an application, **to any Magistrate** for the purpose of –

(a) certifying the correctness of the inventory so prepared; or

(b) taking, in the presence of such magistrate, photographs of such drugs, substances or conveyances and certifying such photographs as true; or

(c) allowing to draw representative samples of such drugs or substances, in the presence of such magistrate and certifying the correctness of any list of samples so drawn.

(3) Where an application is made under sub-section (2), the

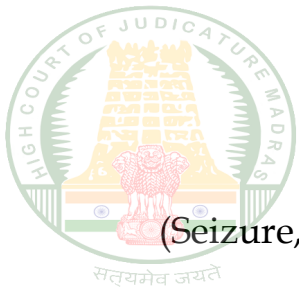


Magistrate shall, as soon as may be, allow the application.

(4) Notwithstanding anything contained in the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs, psychotropic substances, controlled substances or conveyances and any list of samples drawn under sub-section (2) and certified by the Magistrate, as primary evidence in respect of such offence."

19. Thus, Section 52A authorizes the officer in charge to approach the Magistrate for certification of inventories, photographs and samples, whereupon the Drug Disposal Committee (DDC) was empowered to carry out disposal in terms of the certified records.

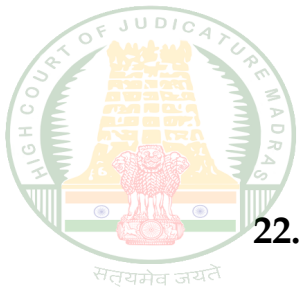
20. It was Standing Order 1/89 which were the very first set of rules framed under Section 52A of the NDPS Act and came into force on 13.06.1989. These rules included only narcotic drugs and psychotropic substances within the procedure of pre-trial disposal. The above standing order was replaced by the Narcotic Drugs and Psychotropic Substances



(Seizure, Storage, Sampling and Disposal) Rules, 1989. One of the key

requirements under this Rule was that disposal can take place only after the filing of the charge sheet and with the permission of the Court. The above Rules were thereafter replaced by a new set of Rules in 2007. The amended Rules required approval of the Court before actual disposal thereby elevating the level of judicial scrutiny and accountability in the process of disposal.

21. It is pertinent to note that Section 52A only included narcotics and psychotropic substances but did not include conveyances when it was introduced in 1989. This provision was amended by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 wherein the terms “controlled substances” and “conveyances” were included within the scope of Section 52A. This meant that conveyances (vehicles) used in the transport of contraband could be included in the pre-trial disposal procedure.



22. By expressly including conveyances under Section 52A, the legislature enabled the pre-trial disposal of such vehicles, subject to the procedures prescribed by the Central Government and judicial oversight. This amendment ensured that the Drug Disposal Committee (DDC) is empowered to dispose of conveyances at the initial stage of proceedings, thereby reducing the burden on Courts and storage facilities and addressing the risk of deterioration or misuse of such property.

23. In line with the above amendment, the Central Government introduced new Rules in 2015 vide G.S.R. 38(E), dated 16th January, 2015. For the very first time, the Drug Disposal Committee was vested with the power to deal with the pre-trial disposal of conveyances up-to a value of Rs.20 lakhs. Another concept introduced under the 2015 Rules was that after certification by the Magistrate, the matter can be placed directly before the Chairman of the Drug Disposal Committee (DDC) for taking a decision regarding disposal. Unlike the earlier Rules of 1989 and 2007, which required either judicial permission or approval of the Court for the actual



disposal, the 2015 Rules did not require any further judicial order or supervision after certification (*emphasis supplied*).

24. This structural shift effectively removed judicial oversight from the actual disposal stage, and places the authority and responsibility squarely upon the Drug Disposal Committee, thereby making the process more administrative and time-bound. Thus, post-2015, once compliance under Section 52A is ensured — including inventory, sampling, photography, certification, and chemical analysis — no further approval or direction from the Court is required for disposal. This was a marked departure from the earlier framework, and underscored the legislative intent to expedite the disposal process without burdening the Courts.

25. It would be pertinent to refer to the objects clause in G.S.R. 38(E), dated 16th January, 2015 which reads as follows:

“ ... the Central Government, having regard to the hazardous nature, vulnerability to theft, substitution, and constraints of proper



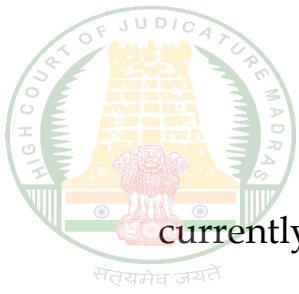
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storage space, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, hereby specifies the narcotic drugs, psychotropic substances, controlled substances and conveyances which shall, as soon as may be after their seizure, be disposed of, the officers who shall dispose them of and the manner of their disposal."

26. The above framework was provided with judicial recognition by the Hon'ble Supreme Court itself in *Mohanlal's* case (supra) and the relevant portions are extracted as under:

"30.3. Cases in which the proceedings are still pending before the Courts at the level of trial court, appellate court or before the Supreme Court: In such cases the heads of the department concerned shall ensure that appropriate applications are moved by the officers competent to do so under Notification dated 16-1-2015 before the Drugs Disposal Committees concerned and steps for disposal of such narcotic drugs and psychotropic and controlled substances and conveyances taken without any further loss of time."

27. The above Rules were subsequently replaced by the NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022 which is the system



currently in place that governs the pre-trial disposal under Section 52A of the NDPS Act. Hence, it can be seen that there has been an evolution of the pre-trial framework, from the very first time it was introduced in 1989 till 2022 when the current Rules were introduced. The legislative intent behind the introduction of such a system is also clear from the Rules and this framework cannot be disregarded and is an essential element in the NDPS regime.

28. The 2022 Rules, framed under Section 76 of the NDPS Act, codify the process in detail. Rule 18(2) mandates that details of the seized material be submitted to the Chairman of the Drug Disposal Committee for a decision. Rule 20(b) obligates the Committee to conduct a detailed review of seized items pending disposal. Rule 21(2) directs the Committee to physically examine and verify the weight and documents and record its findings. The above provisions reveal that the Drug Disposal Committee is not merely an administrative body but one vested with quasi-judicial character, bound to apply its independent mind to each case before issuing



disposal directions. The mode of disposal of seized materials has been provided under Rule 23. Disposal includes both return of the seized property to a rightful claimant or sale/destruction, as per the circumstances. However, the Committee must act based on material placed before it, observe natural justice, and ensure objective scrutiny, making the process neither mechanical nor clerical.

29. Thus, Section 52A of the NDPS Act, read with the 2022 Rules, constitutes a comprehensive and self-contained code governing the disposal of seized narcotics, substances, and conveyances. The Rules empower the Drug Disposal Committee (DDC) to pass appropriate orders, including return of the vehicle, after hearing the parties and verifying ownership.

30. In *Nahoorkani v. State* [Crl.R.C.(MD) No.41 of 2019, dated 16.06.2023], this Court has clarified that the DDC is duty-bound to grant a hearing to any person claiming ownership and to dispose of such



application expeditiously, ordinarily within two months. The relevant

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“12. Further, the provision under Section 63 of the NDPS Act is clear that the decision regarding confiscation had got to be taken during the trial and not after it and the right of the State to confiscate the conveyance and articles or things seized under this Act is irrespective of the result of the trial. In view of the provision under Section 63 of the Act, the provisions of the Code of Criminal Procedure as contained in Sections 451 and 452 will stand modified to the extent and any claimant to the property will be obliged to satisfy the Court in terms of the exceptions carved out in Sections 60, 61 and 62 of the NDPS Act before he is returned the custody of the vehicle taken into consideration when it was being used for transporting a narcotic substance. Therefore, when the conveyance is seized under the NDPS Act, the return of property does not arise as contemplated under Sections 451 and 452 of Cr.P.C and it is liable to be confiscated under Section 63 of the NDPS Act. The Magistrate may not have jurisdiction to entertain a petition filed under Section 451 of Cr.P.C in the light of the Special Rule made under Section 52A of the Act.

... ..

16. Any person claiming the ownership of the conveyance, he may approach the concerned Drug Disposal Committee directly and make his claim. On such application Drug Disposal Committee concerned before



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taking decision on the disposal of the vehicle, shall grant opportunity of hearing to the parties and pass appropriate orders on the representation made by the party in accordance with law as expeditiously as possible, within a period of 2 months.”

31. In *Loyola Johnson vs. State [Crl.R.C.(MD)Nos.646 of 2024, etc., batch, dated 20.12.2024]*, this Court has held that when a Court or an Authority is having power or jurisdiction to decide petition or case finally, then that Court or Authority must be deemed to have a power or jurisdiction to grant interim orders. Holding so, the Court held that the Drug Disposal Committee has the jurisdiction to even consider the issue of interim custody of vehicles. The relevant observations are as follows:

“32. Now coming to the case on hand, it is not in dispute that after the amendments and introduction of 2022 Rules, Drug Disposal Committee alone is having power and jurisdiction to decide about the disposal of the property and if that be so, Drug Disposal committee must be deemed to have necessary power and jurisdiction to consider the prayer for interim custody of the property including the vehicles. In case, if there is any delay in passing final orders with regard to disposal of the property, in view of the legal position above referred and taking



note of the amendments to the provisions of NDPS Act, the power of the jurisdictional Magistrate or the Special Court under NDPS Act to grant interim custody of the conveyances under NDPS Act is impliedly barred."

32. It would also be pertinent to refer to Section 497 enacted under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which replaces the Code of Criminal Procedure, under which significant procedural reforms have been introduced regarding the timely disposal of seized property, including vehicles.

33. Section 497 BNSS, which replaced Section 451 CrPC has introduced new proviso from 497 (2) to 497 (5) prescribing a strict timeline of 45 days for completion of the disposal process. As per Section 497(2), an inventory and visual documentation (photographs/videography) of the seized property must be prepared within 14 days of seizure, while Section 497(5) require the Court to pass necessary orders for disposal, confiscation, or release within the next 30 days, ensuring a prompt and efficient process.



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34. Once time bound disposal becomes the mandate of the law, such specific procedure governing the same must be followed and mechanically adhering to Section 451 CrPC, without considering the NDPS framework and BNSS regime, is against the legislative scheme.

Special laws prevail over General laws:

35. It is a settled legal principle that judicial orders must conform to the special statute when one exists. This Court is inclined to refer to the legal maxim *Generalia specialibus non derogant* (General laws do not override special laws). Meaning that, if a special provision is made on a certain matter, then that matter is excluded from the general provision.

36. The above principle has been adopted by the Hon'ble Supreme Court in *J.K. Cotton Spinning & Weaving Mills Co. Ltd. v. State of Uttar Pradesh* [AIR 1961 SC 1170], wherein it was observed as follows:



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“9. ... The rule that general provisions should yield to specific provisions is not an arbitrary principle made by lawyers and judges but springs from the common understanding of men and women that when the same person gives two directions one covering a large number of matters in general and another to only some of them his intention is that these latter directions should prevail as regards these while as regards all the rest the earlier direction should have effect. ...”

37. It would be pertinent to refer to the observations of Justice Gonthier of the Supreme Court of Canada in ***Lalonde v. Sun Life Assurance Co. of Canada*** [(1992) 3 SCR 261], wherein the above Rule has been succinctly explained as follows:

“The principle is, therefore, that where there are provisions in a special Act and in a general Act on the same subject which are inconsistent, if the special Act gives a complete rule on the subject, the expression of the rule acts as an exception to the subject-matter of the rule from the general Act.”

38. In line with the above principle, when the NDPS Act and Rules and orders thereunder have evolved a specific framework to deal with



disposal of conveyances seized under the NDPS Act, the provisions of CrPC cannot defeat the legislative intent behind this specific framework. It is the NDPS Act and the Rules and orders made thereunder which should prevail over the generic provisions of CrPC.

39. It would also be pertinent to refer to Section 5 CrPC which reads as follows:

“5. Saving –

Nothing contained in this Code shall, in the absence of a specific provision to the contrary, affect any special or local law for the time being in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force.”

40. From the above provision, it is clear that the legislative intent is for the procedure under CrPC to give way when there is a clear, specific procedure prescribed under special legislations dealing with any subject. The same provision as above is also found under Section 5 BNSS which



confirms the legislative intent that the CrPC cannot be used to jettison the procedure prescribed under legislations dealing with a specific subject.

41. It is also pertinent to refer to Rule 257 of the Tamil Nadu Criminal Rules of Practice 2019 which states as follows:

"257. Return of properties pending enquiry.

(1) Subject to the procedure laid down in special statutes, the Court may give custody of jewels, vehicles, cash and other articles under section 451 of the Code, to competent claimants without imposing onerous conditions."

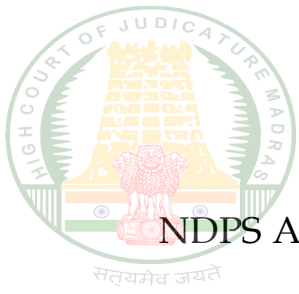
42. At this juncture, it would also be relevant to mention the decision of the Hon'ble Supreme Court in *Divisional Forest Officer & Another v. G.V. Sudhakar Rao & Others* [(1985) 4 SCC 573], wherein the Court held that the confiscation procedure under Section 44(2A) of the Andhra Pradesh Forest Act, 1967 would take priority over the provisions of CrPC. The relevant observations are extracted below for reference:



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“11. True it is, where any property is produced by an officer before a criminal court in an inquiry or trial, the court may under Section 451 of the Code of Criminal Procedure, 1973 make any direction, as it thinks fit, for the proper custody of such property pending the conclusion of the inquiry or trial. At the conclusion of the inquiry or trial, the court may also under Section 452 of the Code make an order for the disposal of the property produced before it and make such other directions as it may think necessary. Where the property is not produced before a criminal court in an inquiry or trial, the Magistrate is empowered under Section 457 of the Code to make such order as he thinks fit, respecting the disposal of the property. The general provision of Section 452 of the Code with regard to disposal of property by a criminal court such as by destruction, confiscation or delivery to any person claiming to be entitled to possession thereof, and that of Section 457 investing a Magistrate to make an order for disposal of property seized by a police officer and not produced before a criminal court during an inquiry or trial, must necessarily yield where a statute makes a special provision with regard to forfeiture of any property and its disposal.”

43. Thus, when a special statute provides a complete procedure, the general provisions of CrPC must yield. Section 51 and Section 36C of the



NDPS Act reinforce this position by limiting the application of CrPC to the extent not inconsistent with the Act.

Principles of Legislative Interpretation:

44. This Court is also inclined to refer to certain principles of legislative interpretation, which lends support to the exercise undertaken by this Court.

45. In *Atma Ram Mittal v. Ishwar Singh Punla* [AIR 1988 SC 2031], the Hon'ble Supreme Court has observed as follows:

"9. Blackstone tells us that the fairest and most rational method to interpret the will of the legislator is by exploring his intentions at the time when the law was made, by signs most natural and probable. And these signs are either the words, the context, the subject matter, the effects and consequence, or the spirit and reason of the law. ..."

46. Therefore, when a Court is called upon to interpret a particular statute or provision, it is obligated to rely on internal and external aids and



take into account a variety of factors such as the intention of the legislature, the overall structure of the act and the consequences of interpreting a provision in a particular manner.

47. In *M/s. New India Sugar Mills Ltd v. Commissioner Of Sales Tax, Bihar* [AIR 1963 SC 1207], the Hon'ble Supreme Court has observed as follows:

“ ... It is a recognised rule of interpretation of statutes that the expressions used therein should ordinarily be understood in a sense in which they best harmonise with the object of the statute, and which effectuate the object of the Legislature. If an expression is susceptible of a narrow or technical meaning, as well as a popular meaning, the Court would be justified in assuming that the Legislature used the expression in the sense which would carry out its object and reject that which renders the exercise of its power invalid. ...”

48. In *Directorate of Enforcement v. Deepak Mahajan* [1994 (3) SCC 440], it was observed by the Hon'ble Supreme Court that every law is designed to further ends of justice but not to frustrate on the mere



technicalities. The Court went on to quote a passage in *Maxwell on Interpretation of Statutes*, 10th Edn. pg. 229 and the same is reproduced below for reference:

“25. ... Where the language of a statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of the apparent purpose of the enactment, or to some inconvenience or absurdity, hardship or injustice, presumably not intended, a construction may be put upon it which modifies the meaning of the words, and even the structure of the sentence. ... Where the main object and intention of a statute are clear, it must not be reduced to a nullity by the draftsman's unskilfulness or ignorance of the law, except in a case of necessity, or the absolute intractability of the language used.”

49. In *Hira Singh v. Union India and Another* [2020 (20) SCC 272], the Full Bench of the Hon'ble Supreme Court, with regard to the interpretation of the provisions under the NDPS Act, has held as follows:

“10.5. The problem of drug addicts is international and the mafia is working throughout the world. It is a crime against the society and it has to be dealt with iron hands. Use of drugs by the young people in India has increased. The drugs are being used for weakening of the



nation.

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As observed hereinabove, the Act is a special law and has a laudable purpose to serve and is intended to combat the menace otherwise bent upon destroying the public health and national health. The guilty must be in and the innocent ones must be out. The punishment part in drug trafficking is an important one but its preventive part is more important. Therefore, prevention of illicit traffic in the Narcotic Drugs and Psychotropic Substances Act, 1985 came to be introduced. The aim was to prevent illicit traffic rather than punish after the offence was committed. Therefore, the courts will have to safeguard the life and liberty of the innocent persons. Therefore, the provisions of the NDPS Act are required to be interpreted keeping in mind the object and purpose of the NDPS Act; impact on the society as a whole and the Act is required to be interpreted literally and not liberally which may ultimately frustrate the object, purpose and Preamble of the Act."

50. It is evident that the legislative intent, as understandable from the scheme of the Narcotic Drugs and Psychotropic Substances Act, 1985, the Rules framed thereunder — particularly the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules,



2022 – and the various notifications and executive instructions issued by the Central Government from time to time, is to ensure that narcotic drugs, psychotropic substances, controlled substances, and conveyances seized in connection with offences under the Act are disposed of without avoidable delay. This statutory framework takes into account the hazardous nature of such substances, their high susceptibility to theft, pilferage, and substitution, and the considerable risks and limitations associated with their prolonged storage.

51. The 2022 Rules have also taken into consideration the wear and tear that could be caused due to prolonged exposure of such vehicles to sun and rain. Hence, there is a time bound mechanism provided for the disposal of such vehicles to ensure that they do not become scrap and are put to some productive use.

52. In view of these compelling concerns, the law mandates that disposal be carried out expeditiously, in a time-bound and regulated



manner, by designated officers, and in accordance with specified procedures. The object is not only to mitigate the dangers inherent in continued retention of such materials but also to preserve the integrity of the criminal justice process through secure, accountable, and legally compliant disposal mechanisms.

Court's Reasoning:

53. The NDPS Act was enacted with stringent safeguards in view of the grave and far-reaching consequences of narcotic offences. To casually dilute its procedural rigor, even in the name of expediency, would be to subvert the very purpose of the statute. Resorting to the CrPC is not permissible when the NDPS Act itself provides a full and exhaustive remedy. Any deviation from its procedure risks normalizing a weaker and inconsistent enforcement framework, which cannot be countenanced.

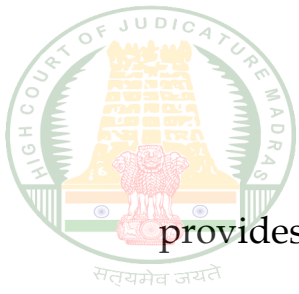
54. Considering all the above aspects, this Court in *R. Manimaran v. State* [Crl.A.(MD) No.192 of 2024, dated 09.07.2025], held that once a



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special statute like the NDPS Act prescribes a complete mechanism for disposal of seized property, including vehicles, the general provisions of the CrPC, particularly Sections 451 and 457, cannot be invoked. Section 52A of the Act and the NDPS Disposal Rules, 2022 form a self-contained code, and any departure from that procedure would amount to dilution of the legislative scheme.

55. This Court has also perused the Standard Operating Procedure (SOP) dated 04.07.2025 which translates the statutory requirements into uniform administrative action. The SOP lays down a step-by-step framework, starting from seizure and inventory (Rule 8, using Form-4 and Form-5), certification by Magistrates, safe custody in designated godowns (Form-1 to Form-3), chemical analysis, and initiation of disposal (Rule 17, Rule 18). Once disposal is initiated, the process is routed entirely through the Drug Disposal Committee (DDC), which undertakes review (Rule 20–22), valuation (Rule 21), auction or tender (Rule 23–26), and finally, issuance of a Certificate of Disposal (Rule 27, Form-10). The SOP also



provides for reporting and record maintenance under Rule 28, including quarterly communication to the Narcotics Control Bureau.

56. This comprehensive mechanism not only protects the chain of custody and evidentiary value of seized items, but also ensures transparent, centralized control and judicial oversight at every stage. The SOP also deals with return of conveyances in clear terms.

57. As a result of the above position of law, this Court is not inclined to invoke Article 226 to direct release of the vehicle by applying Section 497 BNSS [Section 451 CrPC], especially when the petitioner has a specific statutory remedy under Section 52A of the Act read with Rule 23 of the 2022 Rules.

58. It is further clarified that the non-functioning or inaction of the Drug Disposal Committee cannot, by itself, furnish a ground to bypass or override the special statutory mechanism. Where the NDPS Act prescribes



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WEB COPY a complete and specific procedure for disposal – including return of seized conveyances – that procedure must be scrupulously followed. If the Drug Disposal Committee is inactive or delayed in its functioning, the lawful response is to take appropriate administrative or judicial measures to activate and enforce the statutory mechanism and not to revert to the general provisions of the Code of Criminal Procedure.

59. Since it is reported by the learned Additional Public Prosecutor that the vehicle has already been referred to the Drug Disposal Committee, the Committee shall consider the same on its merits, after hearing the parties, and pass a reasoned order within a period of two months.

With these observations and directions, this writ petition stands disposed of. No costs.

Internet : Yes
gk

11.07.2025



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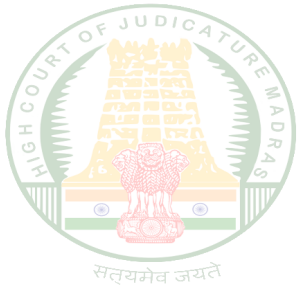
Note:

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Mark a copy of this order to
The Secretary to Government,
Home Department,
State of Tamil Nadu,
Secretariat, Chennai.

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Deputy Superintendent of Police,
Periyakulam,
Theni District.
- 3.The Inspector of Police,
Devadanapetti Police Station,
Theni District.



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B.PUGALENDHI, J.

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