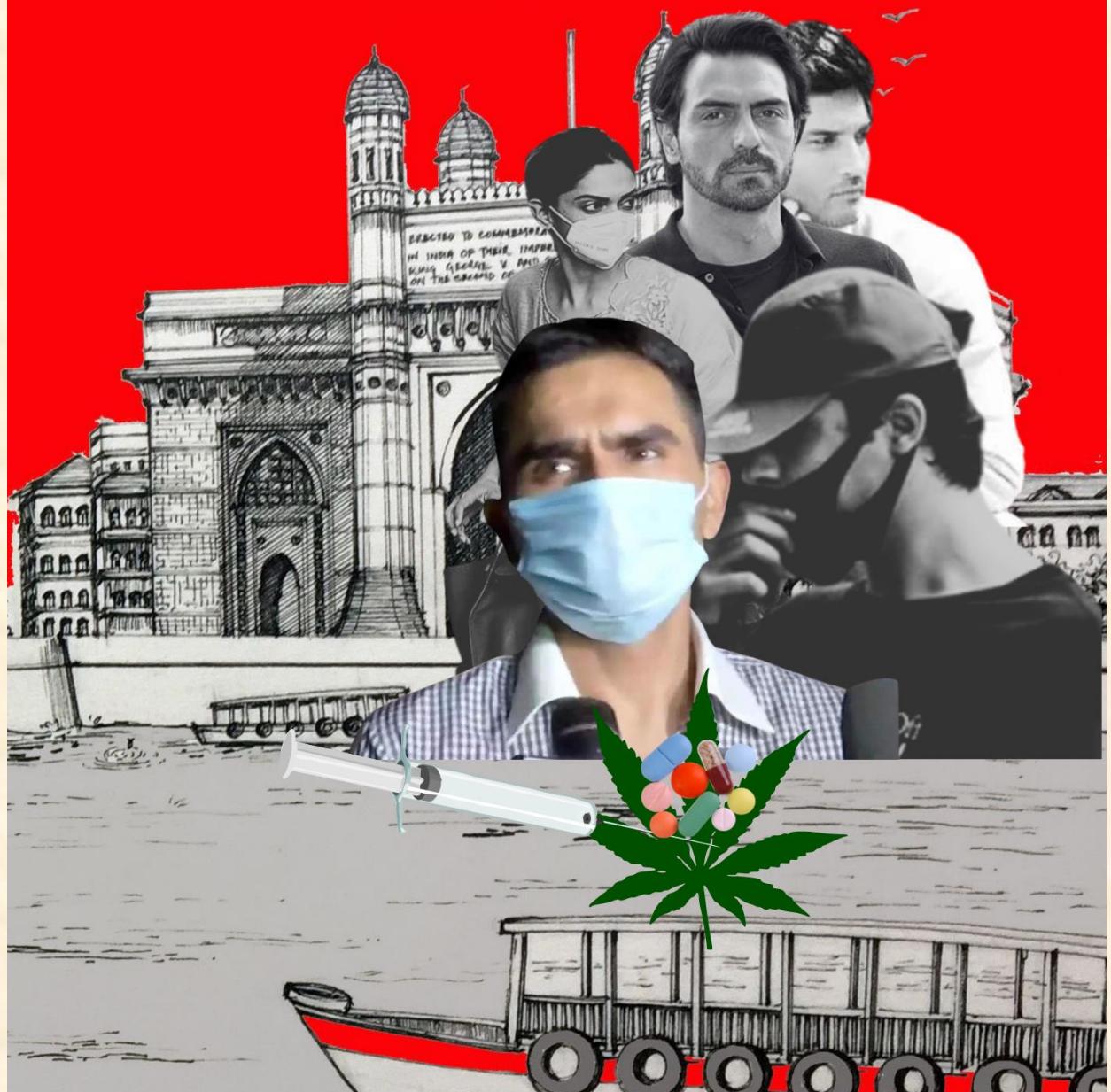


# UNIQUE LEGAL

VOLUME I ISSUE V

## BOLLYWOOD UNDER NCB SCANNER



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# TABLE OF CONTENTS

**MUMBAI CRUISE DRUGS CASE**

**ALL ABOUT NCB**

**PAST ENCOUNTER OF NCB WITH BOLLYWOOD**

**SAMEER WANKHEDE OF NCB UNDER SCANNER**

**COURT ON ARYAN KHAN'S CASE**

**BOLLYWOOD CELEBS ON ARYAN KHAN'S ARREST**

**THE CREDIBILITY OF NCB ON BOLLYWOOD DRUG CASE**

**INTERNATIONAL PERSPECTIVE**

**RELATED CASE LAWS**

**BOOKS AND MAGAZINES**

## Aryan Khan, a convict in a Cruise Ship Drug Bust Case?

### OBJECTIVE

The recent Drug Bust in “[Economic Hub of India](#)” is a very debatable and trending news. It attracts the attention of our readers’ on how the [Narcotics Control Bureau](#) is getting the reach of those people and convicts. Everyone has different opinion about the people who got arrested in cruise ship drug bust case. This blog highlights that Drugs are not new in Bombay in fact, it was a city under the influence of cocaine a century ago. Right from June 2020 the drug convicts and suppliers are getting into the trap of NCB. Moreover, it establishes some of the remarkable controversies which came into scene after the death of very famous Bollywood actor in June 2020. Drug abuse is rampant all over the country. NCB was silent until it found [Bollywood](#).

### COMMENT ABOUT THE CASE

[Narcotic Drugs and Psychotropic Substance Act](#) whose parent agency under the [Ministry of Home Affairs](#) found Aryan Khan a star kid indulged in a drug case. We as a commoner take the celebrities as our idols and if that idol is a drug addict and convict then what will be

our reaction. This news shocked all the fans of Shahrukh Khan whose son was arrested in a drug case. Now, it’s time to see whether he is guilty or innocent?

### NOTABLE Controversies'

**5 NCB Officials attacked by Drug Peddlers during Raid in Mumbai:** During the operations, 5 NCB officials were attacked by the Drug Peddlers and arrested a Nigerian national and seized the drugs valued more than 1 crore rupees.

**Drug ‘Home Delivery’ busted by Mumbai Cops; Delivery app executive among peddlers arrested:** “As the NCB continues its crackdown on the alleged drug nexus in Bollywood, Mumbai Crime Branch has arrested two drug peddlers and it is revealed that they were in touch with some actors as well who used to take drugs from them.”<sup>1</sup> According to the officials, one of the peddler has been identified as Usman Anwar Ali shaikh and he used to work for a prominent food delivery app. ‘MD’ worth 5.5 lakh has been seized by the crime branch.

**Mumbai Drug Bust: NCB arrests Shreyas Nair for supplying drugs;**  
**Decoding Aryan Khan- Peddler link:**

<sup>1</sup> Jay Pandya, Drug 'home Delivery' Busted By Mumbai Cops; Delivery App Executive Among Peddlers Arrested, R. Bharat, <https://www.republicworld.com/india-news/law-and-order/drug-home-delivery-busted-by-mumbai-cops-delivery-app-executive-amo.html>

(last-visited: 15<sup>th</sup> October, 2021, 3:00 pm)

NCB arrested Shreyas Nair, who was alleged links with bollywood star Shahrukh Khan's son Aryan Khan, from Goregaon in a drugs case.

**NCB raids Drug peddler in Mumbai who supplied cocaine to the celebrities:** The Narcotics Control Bureau has raided a drug peddler in Mumbai who supplied cocaine to the celebrities. The identity of the peddler was revealed by Agisilaos Demetriades, brother of Arjun Rampal's partner.

**Mumbai Drug Hotspots: Cocaine, Ecstasy Peddled freely near Sushant's house:** As Sushant Singh Rajput's death case continues to hog headline, India Today team investigated Mumbai, the city of dreams, and found out some of the drug hotspot within the city. The investigation revealed that cocaine, ecstasy, consumed as party drugs, were freely peddled near Sushant Singh Rajput's house in Mumbai.

## **BACKGROUND**

Many actors and actresses along with directors and producers in bollywood came into suspicion of NCB. Mumbai has become the most drug abuse city. The bollywood is in the influence of drugs. Every week and every month a new star is highlighted and come in the headlines of news channels not for some good thing they have done but for the drug consumption or connection with drug cases. It's high time that people should avoid drugs

because of two reasons. The first reason is that it hampers your mental and physical strength and the second one- it is illegal and if somebody will have any kind of relation with the drug suppliers or drug consumers then it will be tough for that person to be out of the reach of NCB, and once you get caught then think about the consequences. Each and every day you will be highlighted in the news channels and media and people will form different opinions about you and it will be difficult for you to live your life with the dignity. So, drug is only giving you pain and not pleasure.

## **MUMBAI DRUG CRUISE CASE**

Eight people were arrested on 2<sup>nd</sup> October, after the Narcotics Control Bureau (NCB) raided a cruise ship off the coast of Mumbai and bollywood actor Shahrukh khan's son Aryan was among one of them. The NCB has taken a man into their custody whom the agency is claiming to be the drug supplier of Arbaaz Merchantt. The NCB on 5<sup>th</sup> October informed court here that the matter has become like novels of Agatha Christie and Sherlock Holmes which is full of new twist and turns every moment and every new evidence is giving a new angle to the case. On 7<sup>th</sup> of October, the metropolitan magistrate sent eight accused including Aryan Khan in 14-day judicial custody once their NCB remand ended. Aryan Khan and the other convicts were brought to the prison after 2.30 pm on the same day. Many twists and turns

have taken place in the case since then. Starting from Aryan Khan being denied bail on 8<sup>th</sup> October to Maharashtra minister Nawab Malik alleging that the NCB raid was fake and they stated that it was a set-up to frame certain people. NCB zonal director Sameer Wankhede has defended the investigation and stated that due procedure was followed and the probe isn't a witch hunt against prominent celebrities.

Shah Rukh Khan's driver appeared for questioning at the NCB office in Mumbai after the agency issued summons to him.<sup>2</sup> This comes a day after a [court refused Shah Rukh Khan's son Aryan Khan bail in the drug seizure case](#) and he was sent to the Arthur Road prison on 7<sup>th</sup> October. Along with Aryan Khan, five other men arrested in the case too were sent to the same jail, while two women accused including Munmun Dhamecha were sent to Byculla women's prison. "Aryan Khan and others are likely to spend the weekend in quarantine cells of the two prisons. Sources said Aryan Khan, Arbaaz Merchant, Pratik Gaba together with another person had left together for the party onboard the ship off Mumbai coast, which was busted by NCB during a raid on 2nd

October, in an exceedingly Mercedes car driven by Rajesh Mishra from Mannat."<sup>3</sup>

### **Why Satish Maneshinde is bollywood's favourite lawyer?**

Satish Maneshinde started his career as a junior lawyer under one of the very prominent lawyers in India, Ram Jethmalani. Maneshinde worked with him for more than 10 years and handled several high-profile cases, including Bollywood celebs. He has also represented TV star Rakhi Sawant in an abetment to suicide case. In 2002, Satish Maneshinde also represented Salman Khan in a drunk driving case and secured bail. It is to be noted that the Mumbai court later acquitted Salman in this case. Satish Maneshinde also handled Daya Nayak's assets case, the Shobhan Mehta match-fixing scandal and Chota Rajan's wife Sujata's organised crime case.

From Salman Khan to Sanjay Dutt to Rhea Chakraborty and now Aryan Khan, Satish Maneshinde fights it out Bollywood when they are in trouble. He has defended several Bollywood stars, like Salman Khan, Sanjay Dutt and recently Rhea Chakraborty. Satish Maneshinde defended Sanjay Dutt in the 1993 Bombay blast case and secured bail for the superstar. Later, Satish Maneshinde also

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<sup>2</sup> Moumi Majumdar, Mumbai Drug Bust Update: SRK's driver summons by NCB for the interrogation process, Business up turn, <https://www.businessupturn.com/entertainment/celebrity/mumbai-drug-bust-update-srks-driver-summons-by-ncb-for-the-interrogation-process/>, (last-visited: 15<sup>th</sup> October, 2021, 3:15 pm)

<sup>3</sup> Arvind Ojha, Mumbai cruise drug bust case: Shah Rukh Khan's driver at NCB office for questioning, msn, <https://www.msn.com/en-in/news/other/mumbai-cruise-drug-bust-case-shah-rukh-khans-driver-at-ncb-office-for-questioning/ar-AAPJdrb> (last-visited: 15<sup>th</sup> October, 2021, 3:30 pm)

defended Sanjay in the Arms Act case in 2007. Recently, Satish Maneshinde was seen defending actress Rhea Chakraborty in Sushant Singh Rajput's death case. Sushant's family accused Rhea of 'abetment to suicide', and she was later arrested for possession of drugs. According to many reports, it is said that Satish Maneshinde's fee is around Rs 15-20 lakh per day.

It seems Satish Maneshinde told the NDPS Court on Aryan Khan's case, "The organisers invited my client (Aryan Khan). He had no boarding pass. Nothing was found with him. Subsequently, his mobile instrument was examined. Nothing was found in subsequent tests."

## **CONCLUSION**

Drug supply and consumption is illegal, still the increasing number of cases and bollywood celebrities involvement in the

The act is based on the Directive Principles, contained in Article 47 of the Indian Constitution, which directs the State to endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drugs injurious to health.

It is concerned with the overseeing and prevention of the union executives is to implement the responsibilities and powers of the Indian union administration for making a move regarding:

drug cases is giving it a new dynamic. Since last one year the NCB has been very active and is searching for drug addicts and suppliers and the consequence is known to you all. Starting from Riya Chakraborty to Aryan Khan, if bollywood celebrities and not getting relief and has to go through the all inquiry to trial process.

## **NARCOTICS CONTROL BUREAU**

**N**arcotics Control Bureau was established under clause 3 of section 4 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and to fight its violation through the Prevention of Illicit trafficking in Narcotics Drugs and Psychotropic substances act, 1988.

- Collaboration of moves by several departments, state and union governments, and further agencies under the Narcotic Drugs and Psychotropic Substances Act, 1985, and other rules and regulations related to drug abuse.

- Execution of the regulations regarding the actions against illegal use of drugs and other substance abuse under the several intercontinental agreements and rules currently imposed in India or that may be sanctioned or endorsed by India anytime soon.

- Collaboration with the concerned agencies abroad to promote kinship and the move against illegal drug trafficking and substance abuse.

- Cooperativeness of the measures taken by the other bothered executives, sections, and agencies regarding the consumption of illicit drugs

It is the apex coordinating agency under Ministry of Home Affairs, headquartered in Delhi, the national capital. It functions as an enforcement agency through its zones and sun zones. The zones and sub zones collect and analyse data related to seizures of narcotics drugs and psychotropic substance, study trends, modus, operandi, collect and disseminate intelligence and work in close cooperation with the customs, State Police and other law enforcement agencies. The field units of the agency are located in Mumbai, Indore, Kolkata, Delhi, Lucknow, Jodhpur, Chandigarh, Jammu, Ahmedabad, Bengaluru, Guwahati and Patna.

The officers are appointed are drawn from Indian Revenue Services, Indian Police Services and Paramilitary forces in addition to the officers appointed. Satya Narayan Pradhan, IPS officer is the Director General

of the agency.



However, it should be noted that NCB is excluded from Right to Information Act under section 24(1) of the RTI Act 2005.

The primary focus areas of Narcotics Control Bureau are as following:

- Surveillance and enforcement at import points and land borders.*
- Preventive and interdiction efforts along the known drug routes.*
- Control measures at export points, such as air-passenger terminals, cargo terminals and foreign post offices.*
- Improved co-ordination between the various drug law enforcement agencies.*
- Identification and eradication of illicit cultivation and the wild growth of cannabis and the opium poppy.*

6. Strengthening of the intelligence apparatus to improve the collection, collation, analysis and dissemination of operational intelligence

7. Increased international co-operation, both in operational and long term intelligence as well as in investigations and mutual legal assistance.

It also works in close cooperation with the Directorate General of Income Tax investigation, Custom and Central Excise Indian Police Department, Central Bureau of Investigation (CBI), Central Economics Intelligence Bureau (CEIB), and other Indian Intelligence law enforcement agencies both at the national and states level. Moreover, provides resources and training to the personnel of India's law enforcement agencies in fighting drug trafficking.



The NCB also monitors India's frontiers to track down points where smuggling activities take place with foreign traffickers.

- **What is NCB's role?**

The role of the Narcotics Control Bureau (NCB) as a hub for India's Narcotics Control Bureau has recently become increasingly important. There are many reasons for this, both domestically and internationally. Despite the limited staff, we are pleased that NCB has mastered these challenges. Intelligence, enforcement and coordination as part of the NCB's motto are also the three pillars that underlie NCB's work and mission. Over the years, the NCB has generated high quality information, resulting in the detection and confusion of organised drug trafficking groups. It also acts as a coordinating unit between various domestic drug and drug law enforcement agencies and as an Indian hub with international organisations such as UNODC and INCB.

The Narcotics Control Bureau is also responsible for enforcing the provisions of the NDPS Act. The NDPS Act is implemented through 10 zones and regional offices.

Actions of various civil servants, state governments and other agencies under this Act, the Customs Act of 1962, the Pharmaceuticals and Cosmetics Act of 1940, and all other laws currently in force in connection with the enforcement of this Act adjust.



Fulfilment of obligations regarding measures against illegal traffic from various international treaties. Support for overseas competent authorities and relevant international organisations to promote coordination and universal measures to prevent and eradicate illicit trade in narcotics and psychotropic drugs. Coordinating the behaviour of the Ministry of Health and Family Welfare, the Ministry of Health and other related ministries, departments and organisations related to substance abuse is also part of the NCB's mission. At the operational level, India's drug law enforcement strategy is to combat human trafficking through appropriate intelligence, ban and investigation initiatives, eradicate illegal drug cultivation, prevent legal drug spills, and of selected precursor chemicals. The focus is on establishing domestic and international trade control systems, Targeted seizure and confiscation of drug trafficking assets. Given the size of India and the federal nature of our community, many institutions, both centres and states, are empowered to enforce the provisions of the NDPS Act.

Effective coordination between these agencies is critical to the effectiveness of the Narcotics Control Bureau's strategy. This coordinating role has been assigned to the Narcotics Control Centre .According to Aryan Khan's arrest document, the arrest was made for the consumption, sale, and buy of contraband, which is prohibited under the NDPS Act. On the International Cruise Terminal, Green Gate, Mumbai Port, the crew of NCB accurately recovered 13 grams of cocaine, twenty-one grams of charas (marijuana), twenty-two pills of MDMA (ecstasy), five grams of Mephedrone (MD), and Rs.1, 33,000 in coins. So far, the NCB has used four sections of the NDPS Act. Section 8(c) of the Act is one of them. Producing, manufacturing, possessing, selling, purchasing, transporting, utilizing, consuming, importing, and exporting any narcotic drug or psychotropic substance are all covered by this law. This part is examined in conjunction with three others.

Section 20 (b) deals with the use of cannabis, Section 27 with the ingestion of any narcotic drug or psychotropic chemical, and Section 35 with the assumption of culpable mental condition.

### ***The Role of NCB***

1. Coordination of activities by various officials, state governments, and other authorities in connection with the implementation of the primary Act, the

Customs Act of 1962, the Drugs and Cosmetics Act of 1940, and any other legislation in force at the time.

2. Fulfilment of commitments under different international treaties relating to counter-measures against illegal trafficking.
3. Assistance to concerned authorities in other nations and international organisations in order to facilitate coordination and universal action for the prevention and suppression of illegal drug and psychotropic substance trafficking.
4. Coordination of drug-abuse-related measures done by the Ministry of Health and Family Welfare, the Ministry of Welfare, and other relevant Ministries, Departments, or Organisations.

Given India's size and federal structure, a variety of authorities, both at the Centre and in the States, have been given authority to implement the NDPS Act's requirements. The effectiveness of our drug law enforcement policy depends on effective collaboration between these authorities. The Narcotics Control Bureau has been tasked

with directing this effort. The Bureau performs the following duties in line with its charter:-

1. Drug law enforcement coordination among multiple federal and state agencies;
2. Assisting States I in improving their drug law enforcement efforts; intelligence collection and dissemination;
3. Seizure data analysis, trend analysis, and mode of operation;
4. Development of National Drug Enforcement Statistics;
5. Liaison with international organisations such as UNDCP, INCB, INTERPOL, Customs Cooperation Council, RILO, and others;
6. Contact point for National Intelligence and Investigations.



## **PAST ENCOUNTER OF NCB WITH BOLLYWOOD ACTORS**

**S**ushant Singh Rajput starred in well-known successful Bollywood films such as M.S. Dhoni: The Untold Story,

Kedarnath and Chhichhore. The case was first being probed by the Mumbai Police and was later transferred to the CBI. After his

demise, the NCB had launched an investigation into the alleged drug use in the film industry based on some WhatsApp chats. The NCB was alerted after chats linking Rhea and her brother to a drug supplier were discovered. This also launched NCB's investigation into Bollywood's alleged 'drug-network'. In September, 2020 Rhea was arrested on charges of procuring drugs for Sushant. In its remand application to a magistrate court, the NCB said, "It is also clear that Rhea used to procure drugs for Rajput for consumption purposes. Rhea used to manage finances for drug procurement along with Rajput. As per disclosures made by Rhea, she was arrested." Soon after, her brother Showik was also arrested under the Narcotic Drugs and Psychotropic Substances (NDPS) Act. Right now she is out on bail now and Showik was also given bail in November last year, three months after his arrest. Siddharth Pithani was also arrested in May this year by the NCB. The NCB claims that marijuana was procured for Rajput on his instructions by his two staffers as well as Pithani.



The NCB submitted photographs from his laptop claiming that it was 'incriminating evidence'. The NCB also questioned Rajput's domestic help in connection with the case. The NCB arrested one of the partners of a popular Bandra eatery, which is known to be frequented by Bollywood celebrities. The accused, Kunal Jani, was believed to be a friend of Rajput. The NCB also arrested celebrity manager Karishma Prakash after it claimed that it had recovered 1.7 gm. of charas and two bottles of CBD oil from her residence in Andheri. The Narcotics Control Bureau (NCB) has also arrested a drug peddler in Goa in connection with the drugs case linked to Bollywood actor Sushant Singh Rajput's death.

Sushant Singh Rajput's case was a breakthrough for NCB investigating Bollywood's alleged drug network.



Deepika Padukone once also had an encounter with NCB. The ongoing NCB action was the outcome of the probe into the celebrity drugs angle that has emerged prominently after the death of Bollywood actor Sushant Singh Rajput on June 14. Besides at least 20 persons, including actress Rhea Chakraborty and her brother Showik, several narcotics suppliers, drug peddlers have been arrested while some Bollywood personalities have been questioned.

As part of its investigations into Rhea Chakraborty's purported WhatsApp chats and an alleged "drug citadel in Mumbai", the NCB had summoned Padukone on September 25, 2020, in the drug case along with Sara Ali Khan, Shraddha Kapoor and Rakul Preet Singh for questioning. Her name emerged in connection to the ongoing drugs-probe, which has come to light during Sushant Singh

Rajput's death case investigation. Along with Deepika, her manager Karishma Prakash was also summoned by NCB zonal Director Sameer Wankhede when NCB raided Karishma Prakash's residence and seized nearly 1.7gms of charas. The drug chats between Deepika Padukone and her manager Karishma Prakash. NCB reported that they have found the chats in which, Deepika was seen asking her manager for 'manual' and 'hash,' to which the latter had replied that she has it home. The NCB had even confronted the Bollywood actor with the chat. It was reported that Deepika and her manager told the NCB officials they had used the words 'maal', 'weed', 'hash' and 'doob' as "code names" for various kinds of cigarettes "for fun", in their 2017 WhatsApp chats. It was further stated that by the two that for low-quality cigarettes, they used 'maal', for slim and better quality ones 'hash and weed', and for the thick ones as 'doob'. The NCB officials said that both Padukone and Prakash cited the same usage while being questioned in separate rooms. The agency was questioning the duo over their 2017 WhatsApp chats where they had discussed certain code words and it

was assumed they were discussing drugs.



### Arjun Rampal

On November 9 last year, the NCB Officials raided Bollywood actor Arjun Rampal's residence. While conducting the raid the officials seized 14 tablets of Clonazepam Dispersible Tablet Clonotri, 4 tablet of Ultracet Tramadol Hydrochloride and Acetaminophen, 2 mobile handsets of iPhone 11 Pro Max, and a MacBook Pro. He was then questioned by the NCB in a drug-related probe for around seven hours on Friday. Following the interrogation of Arjun Rampal, The NCB also questioned Rampal's partner Gabriella Demetriades and had also arrested his friend Paul Bartel on 12th November 2020. On November 13, last year, the actor recorded his voluntary statement under Section 67 of the NDPS Act and told the agency that some of the

tablets found at his residence are prescribed to his dog while another set of tablets have been prescribed to his sister Komal Rampal who often comes to stay at his residence in Bandra. It was on December 21 that Arjun recorded his statement and submitted the prescriptions in the name of his dog, and his sister. Rampal told reporters that he had nothing to do with drugs. He had a prescription for the medicine that was found at his residence and the prescription has been handed over to NCB officials. Further, he stated that "I am cooperating with the investigation and the NCB officials are doing a good job," the actor-turned-model said as he emerged out of the NCB's zonal office in south Mumbai around 6 pm. Despite giving the statement and submitting the prescriptions the NCB did not give a clean chit to Arjun Rampal in the drugs case. NCB stated that out of the two prescriptions that the actor submitted, the agency could only verify one that came from a veterinary clinic and found it genuine and the one that came in the name of his sister suggested something fishy. After questioning Arjun Rampal, Zonal Director Sameer Wankhede said, "The investigation is on in

Arjun Rampal case we have not given him a clean chit.” When asked if the prescriptions were forged, he said, “We have found a discrepancy in the statements given to us and therefore examining it. And if the need arises we will call him again.”



### **Armaan Kohli**

Armaan Kohli is a former Bigg Boss contestant who has appeared in films such as *Jaani Dushman* and *Prem Ratan Dhan Payo*, among others. He landed himself in controversy when he was arrested by the Narcotics Control Bureau. It was on Saturday, August 28, 2021, that the NCB officials conducted a raid at his house in Juhu, Mumbai after which he was brought to the NCB office in South Mumbai by NCB zonal head Sameer Wankhede. The raid was conducted after the arrest of a drug peddler Ajay Raju Singh from near Haji Ali, from whom 25 grams of Mephedrone was recovered. He allegedly supplies drugs to film and TV personalities.

During interrogation, he revealed some information based on which Armaan Kohli's residence was raided. In the drugs-related case, the NCB questioned Armaan Kohli for a long time and then arrested him. They were later produced before the special NDPS court on 30th August which sent them in the NCB custody for a day which means till 1st September 2021. Seeking an extension of their remand, the NCB told the court that a small number of drugs were also found at his house. NCB informed the court that it had seized more than one gram of cocaine from the actor's house during the raid and that it required further custody of both Kohli and Singh for questioning. Ajay has been previously involved in a 2018 case of Anti-Narcotics Cell Mumbai wherein a huge quantity of Ephedrine was recovered. NCB investigated with Armaan Kohli and the drug peddler after which it was revealed that more Bollywood personalities are involved in the drug-related case and the same investigation was conducted. NCB Mumbai registered Crime No. 82/21 in this case. Armaan Kohli was arrested u/s 21(a), 27(a), 28, 29, 30, & 35 of NDPS Act and Ajay Raju Singh was been arrested under 22b(a), 27A,

28, 29, 30, &35 of NDPS Act. After the investigation, it was revealed that the case has international linkages as the cocaine seized has South American origin. NCB Mumbai started probing the route and linkages that were being used to bring the seized cocaine to Mumbai and the

involvement of other traffickers. This was a part of NCB's Operation Rolling Thunder which was launched by Sameer Wankhede. Under this operation, 15 places in Mumbai were raided on Saturday morning on 28 August.

## Sameer Wankhede of NCB under Scanner



The Zonal Director of Narcotics Control Bureau (NCB) Sameer Wankhede is under scanner. The NCB ordered a vigilance probe against Wankhede earlier this week after extortion claims were made by witness of Aryan Khan drugs case Prabhakar Sail, who

claimed that a Rs 25-crore money deal was made on behalf of some NCB officials, that includes Wankhede, to let Aryan go. Wankhede has denied these allegations. Wankhede had also approached the Bombay High Court seeking protection from coercive action in the matter. "I am personally

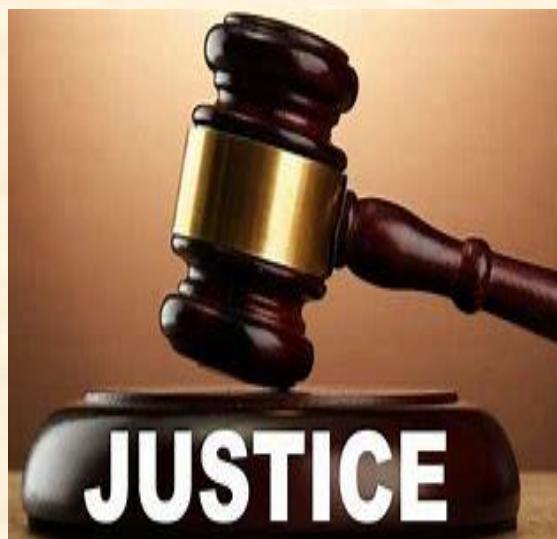
attacked by the state. My apprehension is they will arrest me. I want interim protection in the form of no coercive action," Wankhede has said. The Mumbai police too have initiated an enquiry in the case of bribery against Sameer Wankhede. A four-member team is investigating the enquiry and it is expected that he will be also called to join the investigation.



Since last year, the Mumbai wing of the anti-drug trafficking agency led by him had commenced an investigation in the case after

the death of Sushant Singh Rajput and the drugs conspiracy that came to the fore in the aftermath. Over the last year, he has been responsible for the questioning and arrest of numerous stars, and raids at the house of several others. Now in the latest development, Shah Rukh Khan's son Aryan Khan has been nabbed by the NCB in the Mumbai Cruise Drug Bust. The agency busted a high-profile drug party on a cruise ship en route from Mumbai to Goa on Saturday evening. During the raid, the NCB seized Cocaine, Hashish, MD, and other drugs. According to Sameer Wankhede, the NCB had "inputs" about the presence of drugs, and the operation was conducted professionally.

### ***Bail application initially rejected on 20th October***



**B**ail applications were filed by the appellants No.1-Aryan Shah Rukh Khan, No.2-Arbaaz A. Merchant and No. 3 -Ms. Munmun Amit Kumar Dhamecha under section 439 of CrPC in the honourable court of the Special Judge for N.D.P.S. Cases at Greater Mumbai. This initial order regarding bail applications was furnished by the honourable court in Aryan Shah Rukh Khan, Arbaaz A. Merchant and Ms. Munmun Dhamecha v. Union of India on 20th October, 2021 by honourable

Justice V.V. Patil. It was held that the appellants are prima-facie associated with the commission of serious and grave offence under the NDPS Act.

The honourable court stated that both the accused No.1 and 2 were having the knowledge of 6 gram of Charas in possession of the petitioner No. 2. It was established that all the accused were involved in a large web of drug activities. WhatsApp chats and the prima-facie evidence showed that there was a connection between the two accused with the illicit suppliers and peddlers of drugs. The raid was executed on the grounds that rave party was being organized on the cruise in which the contraband would be brought by the petitioners. In the initial phase of interrogation, the names of the suppliers of these drugs were also disclosed which exhibited the existence of conspiracy between the appellants.

Contraband was also obtained from the room reserved in the name of appellant no.3. A prima facie connection between Ms. Dhamecha and the contraband recovered from her was established through the panchanama and the statement recorded by the respondent that was voluntarily given by her. The honourable court upheld the view that since there was a conspiracy between the petitioners therefore; their cases cannot be dealt in isolation and need to be accounted together. Hence, the provisions of section 29 and 37 of NDPS Act would be applicable.

The honourable court also accounted that the possibility of tampering with the evidence found against the accused in case the bail is granted cannot be denied which would hinder the investigation process. Therefore, the application of bail was rejected as the reasonable grounds for granting bail to the petitioners were not established.

### **Bail granted by the honourable Bombay High Court**

The Bombay High Court granted bail to Aryan Khan on 29th October, rendering the 29th October hearing a successful one for him. For the past three weeks, Khan has been in the Arthur Road prison in Mumbai. Additionally, two other defendants were granted bail, namely Arbaaz Merchant and Munmun Dhamecha, in the Narcotics Control Bureau's drug case. Former Attorney General Mukul Rohatgi led the legal team representing Aryan. It was observed that the Bombay high court placed certain conditions on Aryan Khan's bail and that the Narcotics Control Bureau could ask to cancel the bail if any of the conditions were not met. The court imposed the following 14 conditions: -

1. All 3 accused must issue a P.R Bond of rupees 1 lakh with one or more sureties in the like amount.
2. Applicant shall not try to establish communication with co-accused.

3. Applicant shall not leave country without prior permission of NDPS court.
4. Applicant cannot leave Mumbai without informing investigating officer.
5. Applicant shall not make any statement to social media or media about proceedings.
6. Applicant shall attend the NCB office between 11 and 2 pm every Friday to mark presence.
7. Applicant shall attend court on all dates unless prevented by any reasonable cause.
8. Applicant shall go to the NCB office as and when called once trial begins, should not delay the trial.
9. Applicant shall surrender passport to Special NDPS court.
10. Applicants/Accused neither personally or through any one
11. Makes any attempt to influence witnesses nor tampers with the evidence.
12. Applicants/Accused shall not indulge in any activity similar to the activities on the basis of which they said CR stands registered against them for offences under the NDPS Act.
13. Applicants/Accused shall not undertake any action which is prejudicial to the proceedings before the Hon'ble Special Court
14. Applicants/Accused shall join the investigation as and when called upon to do so before the authorities of NCB.
15. If the Applicants/Accused violate any of these terms, NCB shall be entitled to straightaway apply to the Special Judge/Court for cancellation of their bail.

## ***Bollywood Celebs on Aryan Khan's Arrest***

With Aryan Khan getting released from Arthur Road Jail and returning back to Mannat with fans of his father, the mega star Shah Rukh Khan, roaring by his side ,the 23 days long horrifying saga has come to a

dramatic end, to the public's delight and mainstream media's dismay. With news channels going berserk and focusing their undivided attention on the drugs on cruise case involving a megastar kid and his arrest,

while the country is facing other burning issues like fuel prices hike, floods in various states and soaring COVID cases, it's not only the Khan family which has heaved a sigh of relief after the bail order of their son, but so has the nation as well. For three weeks straight, not only Aryan Khan himself, but the Bollywood industry as a whole has found itself under the tight scrutiny of the society turned vigilante, always on their toes to hurl judgements and pass comments to enforce their idea of morality and ethics.

For the celebrities and stars, it's a tricky place to be in, especially in India, where they are constantly put on pedestal; when they are at their best, and bashed relentlessly when they are at their worst. They are at such a position where every action they take is dissected and dismembered, where every word they utter is twisted and turned and often misconstrued just for the sake of keeping the sensationalism intact. If they speak up, they are trolled and lectured by the so called upholders of social propriety, and if they remain silent, their silence is equated as a sign of their complicity.

The whole episode of Aryan Khan's is in no way different from what happened last year. Rhea Chakraborty was hounded by the mainstream media in the name of journalism, from a budding actress reduced down to the status of an alleged drug peddler. In the court of the public opinion she was already declared to be a criminal, a witch against the

core values of society. Not only her, but her likes such as Deepika Padukone, Sara Ali Khan, Rakul Preet and many others' careers were besmirched with allegations based on flimsy evidences, mostly a handful of mere WhatsApp chats. It's understandable that many of them today have chosen to remain mum, and those who have spoken up like Hrithik Roshan, Swara Bhaskar, Twinkle Khanna, have faced the wrath of the public, flung with the accusations that they are also furthering the "drug culture".

We should not be supporters of this woke culture that glorifies drug addiction as a measure of diversion from harsh realities of life, but harrowing the victims like vultures and bashing them for something which should be considered as a disease not a crime should certainly not be palatable to anyone. It definitely isn't the most constructive way of curbing such a menacing issue, and at the same time sends a wrong message to those who are going through these very problems, making them feel ostracised and bothered, at a time when they need as much as support they can garner for their reformation and rehabilitation.

The drug menace isn't an industry specific issue; it is an all pervading problem, entrenched in all the levels of our society. So demanding answers from celebs on prime-time and launching attacks on them on social media platforms instead of actually advocating for the cause and volunteering to

prevent substance abuse and help the victims in their recovery, isn't a proof of anything but a lame charade on our part, as we would rather shame the victim down shambles than

address the main issue at the heart of it and aid in its eradication.



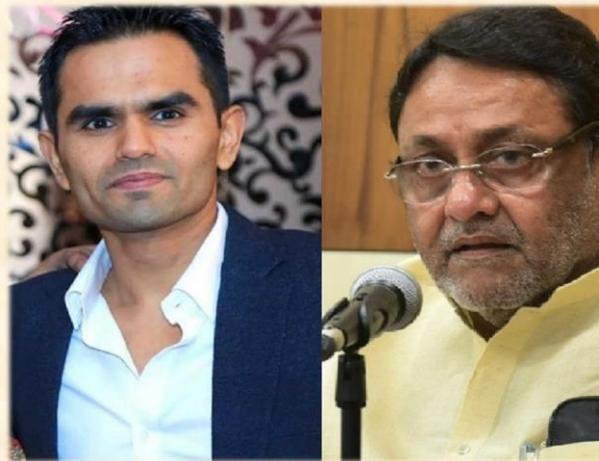
- ***Credibility of NCB at stake***

**D**oes NCB work for commission? Do they book VIPs to drugs for extortion? Can NCB's credibility be questioned? What's the truth behind the Aryan Khan Case? For the last few weeks, we have been seeing a lot of fuss and chaos concerning the Aryan Khan case. Even NCB's credibility is being dragged into the matter. The NCB has been investigating the drug case in which one of the accused is Aryan Khan, son of movie star Shah Rukh Khan but finds itself in a tussle as its Zonal

Director Sameer Wankhede is facing a stack of accusations it was alleged by the Nationalist Congress Party (NCP) that the raid conducted on 2nd October by the NCB was fake and alleged that there were no narcotic drugs found. Two people were present at the time of the raid who was questioned and it was claimed that one of them was a member of the BJP. Mr Sameer Wankhede while responding to the accusations stated that "We are a highly competent and professional agency. For us,

the prime importance is the NDPS act irrespective of the person or his standing." NCB also stated that those two persons namely- Manish Bhanushali and Kiran Gosavi were among the half a dozen of its 'independent witnesses' present in the rave party raid on 2nd October. The NCB Deputy Director-General Gyaneshwar Singh phrased the charges alleged by NCP national spokesperson and state minister Nawab Malik as "baseless, with malice to malign the agency's image and in retaliation against an earlier action of the NCB".

There was an allegation by a witness on Wankhede and other officials that they have demanded Rs 25 crore to release Aryan Khan. This case has led to a controversy between the Nationalist Congress Party and the ruling BJP at the



Centre. It was also said by the spokesperson and minister of NCP that Wankhede is running an extortion racket, giving a fake caste certificate to get a Central government job in the Scheduled Caste category, illegally tapping telephones. Malik also stated that

around Rs 1000 crore have been extorted from Bollywood celebrities. The officers were also asked why Aryan Khan was not released even when "no drugs" were found on him during the cruise raid and said, "Our prime objective is to eradicate the issue. Apart from dismantling (drug supply chain), rehabilitation is also another issue we are facing. Our objective is to make Maharashtra and Goa completely drug-free. Whenever we get any input, we act on it irrespective of any name or person."

When questioned about NCB's credibility they elucidated on the work they have been doing for so long to curb the issue of drugs, also stated that "It is our duty to eradicate this drug menace. If you talk about statistics, in the last year, the NCB in India has performed wonderfully. We have booked over 106 cases, more than 300 arrests including hard-core drug suppliers and peddlers; we have dismantled 2 factories including the one in Dongari. We also seized a lot of financial and other properties of drug peddlers. We also busted 12 organised syndicates. Whoever is violating the NDPC act and drug supplier chain, we are trying to dismantle," he said.

More than 18 people have so far been arrested by the Narcotics Control Bureau (NCB) in connection with the Bollywood drug case, said on Saturday Mutha Ashok Jain, Deputy General Manager of the Southwest region of the NCB.

Statements by Karishma Prakash, Sara Ali Khan, Deepika Padukone and Shraddha Kapoor were recorded, he said.

"The statements of Karishma Prakash, Sara Ali Khan, Deepika Padukone and Shraddha Kapoor have been recorded. Kshitij Prasad was placed under arrest after being questioned. No new summons was issued today. We arrested over 18 people. Jain said. On Saturday,

NCB arrested Dharma Productions executive producer Kshitij Ravi Prasad in connection with the drug case.

The BCN had opened an investigation into the drug case after receiving an official communication from the Directorate of Enforcement(ED), which was investigating the money trail linked to the case of the death of actor Sushant Singh Rajput. Many revelations emerged from the investigation, including various discussions related to drug use, supply, use and transportation.

The ED had filed an information report on the application dossier in the case of the death of the applicant who died on July 31 after an FIR was filed by Rajput's father KK Singh against Rhea Chakraborty in Bihar on the 28th July. Rajput was found dead in his

Mumbai residence on June 14.

### POLITICIANS SPEAK

 "I will meet both CM Uddhav Thackeray and home minister Dilip Walse Patil on Monday. In my opinion, govt should set up a special investigation team to probe the involvement of organised gangs in collaboration with NCB officials" —**Nawab**

 "There is a question mark over the credibility and integrity of the NCB, which is targeting the film industry... central agencies are making all-out efforts to destabilise and defame the MVA government" —**Nana Patole**  
STATE CONG PRESIDENT

 "Accusations are being hurled daily through press conferences and now to prove the Centre or the central agencies as guilty, all these false attempts are being made. It is from these attempts that this video clip [of Sail] would have possibly surfaced" —**Pravin Darekar** | BJP LEADER

"Addiction is just a way of trying to get at something else. Something bigger. Call it transcendence if you want, but it's a rat in a maze. We all want the same thing. We all have this hole. The thing you want offers relief, but it's a trap."<sup>4</sup>

Tess Callahan with one of our favourite drug addiction recovery quotes.



<sup>4</sup><https://mastercenter.com/drug-addiction-quotes-sayings/>; October 29

- **International Perspective of Bollywood under NCB Scanner**

The recent events regarding the arrest of Aryan Khan in the drug case are under the spotlight. The latest development in the Mumbai cruise drug case by the Narcotics Control Bureau revealed that numbers of Bollywood and Hollywood members were found in the cell phones of the accused. It is being reported that the numbers were written in the coded format in the cell phone of one of the accused. The chats additionally revealed that Hollywood actors were guaranteed delivery of drugs abroad. It is also indicated by the chats of one of the accused arrested, some of the Bollywood actors and their families were likewise delivered drugs in enormous quantity. While a few Bollywood actors have shown up their support for Shah Rukh and his child, the silence of some of its biggest stars has likewise been slammed by his fans and social-media users. The NCB has strongly

opposed Aryan Khan's bail plea saying that notwithstanding the quantity of recovery, Aryan Khan cannot be given bail as the primary investigation of the agency reveals that he is part of the nexus. A total of 20 people, including two Nigerian nationals, have been arrested so far in the case related to the seizure of drugs following a raid at a party on the Cordelia cruise ship off the Mumbai coast on October 2.

Netizens are taking to twitter to stand in solidarity with King Khan's family and his son, Aryan Khan nationally as well as internationally. Hashtags such as #westandwithsrk and #SRKPRIDEOFINDIA has been trending internationally in solidarity with the Bollywood actor Shah Rukh Khan. *Nabla El Sayed*, Egyptian Petroleum Research Institute, Nasr City, Egypt tweeted "We all stand with SRK sir and his beautiful family his amazing kids and wonderful wife. God bless you all Ameen O God". There are various other tweets similar to this which shows the support of the people for the Khan family in their difficult times.

## ***Leading Cases***

<b>Karnail Singh v. State of Haryana</b> Sections 21, 42, 43 & 50, History, Object & Statement of NDPS.	July 29, 2009	SC Constitutional Bench
<b>Vijaysinh Chandubha Jadeja v. State of Gujarat</b> Sections 41, 42, & 50, Object – Para 12.	Oct. 29, 2010	SC Constitutional Bench
<b>Harjit Singh v. State of Punjab</b> Section 18 & Definition.	March 30, 2011	SC Division Bench
<b>Indian Harm Reduction Network v. Union of India</b> Constitutional Validity of Section 31A (Petition u/Art. 226 The Statement of Objects and Reasons for introducing Section 31-A in 1989.	June 16, 2011	Bombay High Court
<b>Union of India v. Mohanlal &amp; Anr</b> Procedure to be followed for seizure, sampling, safe keeping and disposal of the seized Drugs, Narcotics and Psychotropic substances.	January 28, 2016	SC Division Bench
<b>Rhea Chakraborty v. Union of India</b> Bail was rejected on the ground that section 27A, NDPS Act, 1985 does not require a quantity of prohibited drugs.	September 14, 2020	Special Court (NDPS)

<b>Rhea Chakraborty v. Union of India</b>	October 7, 2020	Bombay High Court
Bail was granted		



## 1. Karnail Singh v. State of Haryana

**Legal Issue –** Whether compliance of Section 42 is mandatory?

### Abstract

It is well established that search and seizure are essential steps in the armoury of an investigator in the investigation of a criminal case. There was an appeal pending. In that appeal, conflicting ratio of two judgments namely **Abdul Rashid Ibrahim Mansuri v. State of Gujarat** and **Sajan Abraham v. State of Kerala**, were cited. Both the cases have been decided by the full bench of the Supreme Court. Both the cases were regarding interpretation of Section 42, NDPS Act. In the former case, Full Bench held that compliance of section 42 is

mandatory otherwise matter will be interpreted in favour of accused, while in later case Full Bench held that section 42 is not mandatory and substantial compliance will be sufficient. Question was referred to the Constitutional Bench to resolve this conflicting opinion. The Constitutional Bench observed that both cases were decided in the context of facts. The Bench observed that if there are sufficient time for taking action, in that case compliance of Section 42 is mandatory. But if a police officer is not in a police station or immediate action is necessary, substantial compliance of section 42 will be sufficient.

### Conclusion of Karnail Singh Case

The Constitutional Bench decided the referred question and returned so

that the pending case can be decided. Ratios of the Constitutional Bench are following -

**(a) When Police Officer is in the Police Station** - The officer on receiving the information (of the nature referred to in Sub-section (1) of section 42) from any person had to record it in writing in the concerned Register and forthwith send a copy to his immediate official superior, before proceeding to take action in terms of clauses (a) to (d) of section 42(1).

**(b) When Police Officer is not in the Police Station –**

- If the information was received when the officer was not in the police station,
- but while he was on the move either on patrol duty or otherwise, either by mobile phone, or other means, and
- the information calls for immediate action and any delay would have resulted in the goods or evidence being removed or destroyed,
- it would not be feasible or practical to take down in writing the information given to him, In such a situation, he

could take action as per clauses (a) to (d) of section 42(1) and **thereafter, as soon as it is practical**, record the information in writing and forthwith inform the same to the official superior.

## 2. **Vijaysinh Chandubha Jadeja v. State of Gujarat**

**Questions through ‘Reference’ before Constitutional Bench -**

- Whether Section 50 of the NDPS Act, 1985 casts a duty on the empowered officer to ‘inform’ the suspect of his right to be searched in the presence of a Gazetted Officer or a Magistrate, if he so desires? or
- Whether a **mere enquiry** by the said officer as to whether the suspect would like to be searched in the presence of a Magistrate or a Gazetted Officer can be said to be due compliance with the mandate of the said Section?

**Reasons of ‘Reference’** - When these appeals came up for consideration before a bench of three Judges, it was noticed that there was a divergence of opinion between the decisions of

Supreme Court in the case of **Joseph Fernandez v State of Goa, Prabha Shankar Dubey v State of M.P.** on the one hand and **Krishna Kanwar v State of Rajasthan** on the other, with regard to the dictum laid down by the Constitution Bench of this Court in State of Punjab v. Baldev Singh, in particular regarding the question whether before conducting search, the concerned police officer is merely required to ask the suspect whether he would like to be produced before the Magistrate or a Gazetted Officer for the purpose of search or is the suspect required to be made aware of the existence of his right on that behalf under the law.

### **Decision of Supreme Court**

In this case Constitutional Bench observed following important points -

1. **Objects of Section 50** – Supreme Court observed, “In view of the foregoing discussion, we are of the firm opinion that the object with which right under Section 50(1) of the NDPS Act, by way of a safeguard, has been conferred on the suspect, viz.
  - To check the misuse of power,
  - To avoid harm to innocent persons and

- To minimise the allegations of planting or
- Foisting of false cases by the law enforcement agencies, it would be imperative on the part of the empowered officer to apprise the person intended to be searched for his right to be searched before a gazetted officer or a Magistrate.

2. **Object of Clauses (5) & (6)** – Clauses 5 & 6 are applicable only in exceptional cases. Flexibility in procedural requirements in terms of the two newly inserted sub-sections can be resorted to only in emergent and urgent situations, contemplated in the provision, and not as a matter of course.

3. **Rejection of Substantial Compliance** - Supreme Court observed, “We are of the opinion that the concept of “substantial compliance” with the requirement of Section 50 of the NDPS Act introduced and read into the mandate of the said Section in Joseph Fernandez (supra) and Prabha Shankar Dubey (supra) is neither borne out from the language of subsection (1) of Section 50 nor it is in

consonance with the dictum laid down in Baldev Singh's case".

4. **Presence before Magistrate is better option** - Supreme Court observed, "We also feel that though Section 50 gives an option to the empowered officer to take such person (suspect) either before the nearest gazetted officer or the Magistrate but in order to impart authenticity, transparency and creditworthiness to the entire proceedings, in the first instance, an endeavour should be to produce the suspect before the nearest Magistrate,
  - Who enjoys more confidence in the common man compared to any other officer?
  - It would not only add legitimacy to the search proceedings,
  - it may verily strengthen the prosecution as well".

5. **Decision of compliance of Section 50 depends upon facts** - Needless to add that the question whether or not the procedure prescribed has been followed and the requirement of Section 50 had been met, is a matter of trial. It would neither be

possible nor feasible to lay down any absolute formula on that behalf.

6. **Section 50 is mandatory** - The requirements of Section 50 of the NDPS Act are mandatory and, therefore, the provisions of Section 50 must be strictly complied with.

### **3. Harjit Singh v. State of Punjab**

#### **Facts –**

- On 4.7.2003, a police party was proceeding from Focal Point, Mandi Gobindgarh to G.T. Road on patrol duty in a government vehicle.
- When the police party reached near the culvert of minor in the area of village Ambe Majra, the police party spotted Harjit Singh who was coming on foot, from the side of Ambe Majra carrying a plastic bag in his right hand.
- On seeing the police, the appellant turned to the left side of the road. The police party apprehended the appellant, being suspicious of him.
- In the meantime, Ashok Kumar, an independent witness also came to the spot and joined the police party.
- The appellant was apprised (Informed) of his right of being searched in the presence of a Gazetted Officer and in that respect his statement was recorded.

- Shri.Dinesh Partap Singh, Assistant Superintendent of Police, was summoned to the spot by the Investigating Officer and in his presence, Amarjit Singh, Inspector (P.W.3) searched the plastic bag of the appellant and the substance contained therein was found to be opium.
- Two samples of 10 gms. Each of the opium was taken. The remaining opium was found to be 7.10 Kgs. The samples and the remaining opium were sealed and taken into possession by the police party.
- A formal FIR was registered against the appellant; on personal search, an amount of Rs. 510/- was found with the appellant; the arrest memo of the accused was prepared and he was formally arrested.
- After completion of investigation and on receipt of the report from the Forensic Science Laboratory, confirming the contents of the sample to be of opium, a charge-sheet was filed against him for the offence punishable under Section 18 of the NDPS Act.
- He did not plead guilty to the charges and claimed trial. Trial started.

**(1) Special Judge, Fatehgarh Sahib**

**(2.9.2005)** - Harjit Singh was convicted for the offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and was sentenced to undergo RI for 10 years and to pay a fine of Rs.1,00,000/- in default whereof, to undergo further RI for 6 months.

**(2) High Court (19.5.2010)** - High Court confirmed the decision of the Special Judge.

**Legal Issues before Supreme Court –**

There was concurrent finding of facts in decisions of Special Court and High Court. So the main issue was regarding the quantum of punishment.

- Whether RI for ten years and one lakh fine is justified?
- What should be considered at the time of imposing a sentence?

**Conclusion**

Hon'ble Supreme Court observed, "In view of the above, we do not find any substance in the appeal. It is devoid of any merit and, accordingly, dismissed". There are following crux of the judgment -

1. There was contravention of section 8.
2. Quantity of opium was commercial quantity, So there was conviction under section 18 (b).
3. It was pure opium. So it comes under section 2 (xv) (a).

4. There are separate entries for opium and morphine. So Entry 92 is applicable.
5. In these facts, punishment was decided on the basis of opium rather than morphine.
6. Conviction and punishment were same in the decisions of Special Court, High Court and Supreme Court.

#### **4. Indian Harm Reduction Network and Another v. Union of India & Other**

##### **Legal Issues –**

1. Is Section 31A, NDPS ultra-vires of Article 14, Constitution of India?

Answer of Court – No, It does not violate.

2. Is Section 31A, NDPS violates Article 21, Constitution of India?

Answer of Court – Yes, It violates.

3. Whether Section 31A is void ab initio?

Answer of Court – No.

4. Whether ‘Shall’ may be converted into ‘May’? Whether mandatory death sentence may be converted into ‘Optional death sentence’?

Answers of Court–Yes, Answers to both questions are yes.

##### **Abstract**

Narcotic crimes are more heinous than murder and it is anti-social in nature. Section 31A was inserted in 1989. It was modified in 2001. By this Section death sentences were made mandatory in certain cases. Constitutional validity of this Section was

challenged in **Indian Harm Reduction Network and Another v. Union of India & Other**. It was challenged by NGO i.e. Indian Harm Reduction Network and by Gulam Mohammad Malik who had been punished by death sentence under Section 31A, NDPS Act. He had been convicted by Special Judge (NDPS), Ahmedabad in 2004 and Special Judge (NDPS), Mumbai in 2008. This Act was challenged on the basis of violation of constitutional norms embedded in Article 14 and Article 21 of the Constitution of India. To decide Constitutional validity of this case, Bombay High Court thoroughly discussed several cases for example Maneka Gandhi v. Union of India (January 25, 1978), Bachan Singh v. State of Punjab (May 09, 1980), Mithu Singh v. State of Punjab (July 07, 1983). In this case Section 303 (Mandatory Death) of IPC was also discussed. Section 354(3)CrPC, which prescribes writing of ‘Reason’ & ‘Special Reasons’; was also discussed. Some International Conventions were the basis of arguments of petitioners.

##### **Conclusion**

After this decision, mandatory death sentences were converted into optional death sentences. NDPS Act, 1985 was again amended for compliance of judgment of Bombay High Court in 2014 which came into force on May 01, 2014. Effect of this

judgment and Amendment is that now imposing a death sentence is the discretionary power of the Court. Court may or may not grant it on the basis of facts and circumstances of the case.

### 1. Union of India v. Mohanlal & Anr

**Facts**—This case is related to seizure, sampling, safe keeping and disposal of the seized drugs. In this Case Supreme Court discussed facts of this case.

**Appeal from MP High Court** - This appeal has been filed by the Union of India against the judgment and order of the High Court of Madhya Pradesh whereby the High Court has acquitted the respondents of the charges framed against them under Section 8/18(b) read with Section 29 of the NDPS Act, 1985, primarily for the reason that no evidence regarding the destruction of the 3.36 Kgs. of opium allegedly seized from the respondents had been provided by the prosecution. In the absence of any evidence to show that the seized contraband was destroyed as per the prevalent procedure, the contraband should have been, according to the High Court, produced before the Trial Court. The failure of the prosecution to do so, therefore, implies a failure to prove the seizure of the contraband from the possession of the respondents.

**Framing of Questions** - Supreme Court discussed in brief and framed questions and notices were issued to all States and Union Territory. Order was passed. Finally Supreme Court discussed these guidelines thoroughly in case of **Union of India v. Mohan lal & Anr** (2016). In this case the Supreme Court discussed all responses with the help of 'Tables'. Supreme Court discussed the following three issues –

- Seizure and sampling
- Their storage
- Their destruction

**Reason of Menace** - The menace of drugs in this country, as observed earlier, has alarming dimensions and proportions. Studies based on conferences and seminars have very often shown that the menace is deep rooted not only because drug lords have the money power and transnational links but also because the enforcement agencies like the Police and at times politicians in power help them in carrying on what is known to be a money spinning and flourishing trade.

### Conclusion

To sum up we direct as under:

(1) **Sampling** - No sooner the seizure of any Narcotic Drugs and Psychotropic and controlled Substances and Conveyances is affected, the same shall be forwarded to the officer in-charge of the nearest police station

or to the officer empowered under Section 53 of the Act. The officer concerned shall then approach the Magistrate with an application under Section 52A (ii) of the Act, which shall be allowed by the Magistrate as soon as may be required under Sub- Section 3 of Section 52A. The sampling shall be done under the supervision of the magistrate as discussed in Para 13 and 14 of this order.

**(2) Arrangement for storage facilities within six months** - The Central Government and its agencies and so also the State Governments shall within six months from today take appropriate steps to set up storage facilities for the exclusive storage of seized Narcotic Drugs and Psychotropic and controlled Substances and Conveyances duly equipped with vaults and double locking system to prevent theft, pilferage or replacement of the seized drugs.

**(3) Storage facilities in each district** - The Central Government and the State Governments shall be free to set up a storage

facility for each district in the States and depending upon the extent of seizure and store required one storage facility for more than one district.

**(4) Disposal of the seized drugs** - Disposal of the seized drugs currently lying in the police Maal khanas and other places used for storage shall be carried out by the DDCs.

**(5) Direction for High Courts to appoint a Committee** - Supreme Court said, "Keeping in view the importance of the subject we request the Chief Justices of the High Court's concerned to appoint a Committee of Judges on the administrative side to supervise and monitor progress made by the respective States in regard to the compliance with the above directions and wherever necessary, to issue appropriate directions for a speedy action on the administrative and even on the judicial side in public interest wherever considered necessary.



- Books, Magazines and Movies

**B**ooks, magazines and movies highly influence the lives of people, especially the youngsters. The readings and movies for the entertainment purposes often control the people's behavior .Human mind imitates what it gets attracted to. Reading and watching material depicting and promoting drugs culture wrongfully influences the people. According to some research studies, the books, magazines, movies and other media depicting scenes and characters related to smoking, drinking and doing drugs can negatively affect the people ,especially the youth. The youngsters having more access to such media, often end up getting into the trap of drugs and other narcotics consumption and life killing activities. Although giving warnings to the viewers of movies is mandatory these days, the statement giving the related warning has lesser impact on the people than the scenes and parts of the readings depicting drugs culture. The cool lives of people doing drugs often attract the youth to adapt such lifestyle. The movies including Sanju, Kabir Singh and Udtapunjab have shown a no. of scenes promoting drugs. In fact, the main characters in these movies are shown to be addicted to alcohol, tobacco and drugs.





Their cool standard of living, personalities and their success end up wrongfully influencing the public. Such movies take the people and ultimately the nation to the path of destruction. Amidst his brutal behavior and being a drug addict, Kabir Singh's personality and way of living is shown to be very cool. The movies 'Udta Punjab' and 'Sanju' also portray the people being addicted to drugs, depicting a no. of scenes related to

drugs, alcohol and other narcotics. The struggle of people having drugs is somewhere missing in these movies. The struggle of what happens to a drug addict when he does not afford drugs anymore, how he chooses other wrong paths to fulfill his drugs requirements is not portrayed which could help people to avoid getting into such activities. With the increase in no. of celebrities and common people into narcotics, the sources of entertainment used by people should positively influence them.



The responsibility of such sources should not be to just give a warning, but it should be to show the negatives of narcotics so that awareness could be created among the people and the country could be made free of the evil of drugs and the other narcotics.