



आयुक्त सीमा शुल्क (आयात) का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT-I)
केंद्रीयकृत राजस्व वसूली विभाग, पहली मंजिल,
CENTRAL REVENUE RECOVERY CELL, FIRST FLOOR,
नवीन सीमा शुल्क भवन, बॉलार्ड इस्टेट, मुंबई - 400007
NEW CUSTOM HOUSE, BALLARD ESTATE, MUMBAI - 400 001

F. No. SG/MISC-45/2019-20 SIIB(I)

Date: - 30.07.2021

STANDING ORDER NO. 10 /2021

Subject: - SOP for Disposal of Narcotics drugs, psychotropic and controlled substances imported through Foreign Post Office(FPO), Mumbai

In light of guidelines issued by the Hon'ble Supreme Court vide the Judgement dt. 28.01.2016 in the matter Cl. Appeal No.652/201-UOI Vs Mohan Lal & Ors regarding various aspects of seizure/storage and Disposal of Narcotics Drug.

The following procedure is set to be followed in the New Customs House, Zone-I, Mumbai.

- i) During the examination of parcels imported through post office, if any suspicious material in respect of NDPS (Narcotics drugs, psychotropic and controlled substances) are noticed by officers of Postal Appraising Section (Seizing Officer), a small quantity of substance must be tested with the help of Field Drug Identification Test kit and an indicative nature of the substance should be established from the colour range. Once prima facie it appears that the substances are NDPS or CS (Narcotics drugs, psychotropic and controlled substances), they have to be seized under Section 42 or 43 of the NDPS Act (as applicable) as they are liable for confiscation under Section 60 of the NDPS Act.
- ii) In accordance to the guidelines issued by Hon'ble Supreme Court and section 52 A of NDPS Act, the seizing officer has to approach the Magistrate with an application under sub-section (3) of Section 52 A of NDPS Act, 1985 for Sampling of the seized goods and certification by the Magistrate under sub section (2) (a,b,c) of Section 52 A of NDPS Act, 1985 viz :
 - a) certifying the correctness of the inventory so prepared: or
 - b) taking in the presence of such Magistrate, photographs of such drugs or substance and certifying such photographs as true; or
 - c) allowing to draw representative samples of such drugs or
 - d) substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn.
- iii) One sample out drawn both for trial and testing, sample for testing need to be sent to CRCL, NCH. Therefore, the seizing officer Postal Appraising Section

- (PAS) has to forward the sample drawn under the supervision of the magistrate to CRCL Lab (DYCC), NCH for testing and confirmation of nature of goods.
- iv)** After receipt of the Test Report from CRCL Lab (DYCC), NCH, if the report is positive, the seizing officer of PAS has to deposit the seized NDPS goods, samples and copy of Inventory/Photographs/Certificates issued by the Magistrate under section 52 A of NDPS Act 1985 along with disposal order to DC/AC Strong Room, NCH to submit the same to the Chairman of Drug Disposal Committee. In the disposal order, it should be clearly mentioned that the representative sample has to be preserved until further order, as the same will be the primary evidence in the court for the case. The seizing officer will obtain an acknowledgement for such deposit in the format (Annexure-I), to hand over such acknowledged cases to the Investigation Officer of SIIB (I) along with the case dossier for further proceedings.
 - a) This procedure upto handing over case to SIIB has to be completed within one month of seizure of NDPS goods by the seizing officer (PAS).
 - b) However, while examining the consignment by staff of PAS, if it is learnt that the consignment is containing substantial quantity of qualitative drugs and it attracts immediate follow up action, the Commissioner of Customs (Import) may direct SIIB to be associated with the case immediately instead of waiting one month for the outcome of the test report.
 - c) The intimation of all such seizure shall be given to local NCB office also.
 - v)** After depositing the seized goods in the godown, original set of all documents i.e. copy of Panchnama, Seizure Memo, Test Report, Disposal Order Inventory/Photographs/Certificates issued by the Magistrate under section 52 A of NDPS Act 1985 and forwarding Annexure-I are to be forwarded to investigation agency i.e SIIB(I) for further investigation, arrest of person if liable as per rules, filing of charge sheet, launching of prosecution and court trial if initiated.
 - vi)** As a part of Investigation, SIIB (Import) will issue summons to the addressee of the post parcel.
 - vii)** On issuance of summons, if the addressee of the post parcel responds, statement under Section 67 of the NDPS Act, 1985 read with Section 108 of Customs Act, 1962 will be recorded.
 - viii)** During the statement, if the addressee of the post parcel takes the ownership of the parcel, then further necessary action viz. arrest, prosecution etc. if liable as per rules, should be initiated under appropriate sections of NDPS Act and Customs Act by the investigation officer of SIIB (I).
 - ix)** In case, the addressee of the post parcel denies to know anything about the

subject goods, same should be taken on record for further action if any.

- x) On issuance of summons, if the same returns with the comments viz. wrong address, no one of the given name resides here etc., a letter to the jurisdictional Custom/Excise/GST authorities (Outside the Mumbai Jurisdiction) may be sent to verify the address/to serve summons and to submit Action taken Report. For Mumbai jurisdictions, officer from SIIB (I) will visit the addressee of the Post Parcel and serve the summon and submit his visit report.
- xi) A letter is also to be sent, if necessary, to the jurisdictional Police authority for getting the character antecedents of the addressee of the post parcel.
- xii) After completion of investigation, an investigation report, incorporating all the facts of the case and details of the investigation should be prepared and submitted to The Commissioner of Customs (Import), for approval for further proceedings.
- xiii) Investigation should be closed in SIIB (Import).
- xiv) SIIB (I) may get additional information if required in relation to Drug cases from Narcotics Control Bureau (NCB), Mumbai.
- xv) Moreover, if Narcotics Control Bureau, Mumbai is taking the case at the time of detecting NDPS substance at PAS, all the above procedure will be dealt by them.

Sd/---
(Manoj Kumar Kedia)
The Commissioner of Customs,
Import I and II, Zone-I, Mumbai

Copy to :-

- 1) Pr. Chief Commissioner of Customs, Zone-I, NCH, Mumbai.
- 2) The Pr. Commissioner of Customs, General, NCH, Mumbai.
- 3) The Addl./Jt. Commissioner of Customs, SIIB (I), NCH, Mumbai.
- 4) The Addl./Jt. Commissioner of Customs, PAS, NCH, Mumbai.
- 5) The Addl./Jt. Commissioner of Customs, Disposal (General), NCH, Mumbai
- 6) The Addl./Jt. Commissioner of Customs, Export, NCH, Mumbai
- 7) The DC/AC, EDI, NCH, Mumbai.
- 8) Office Copy.