

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr. Appeal (DB) No. 148 of 2021**

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Chandan Kumar Yadav @ Chandan Kumar ... Appellant  
**Versus**  
The State of Jharkhand and Ors. .... Respondents  
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**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD  
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

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For the Appellant : None  
For the Resp.-State : Mrs. Priya Shrestha, Spl. PP  
For the Resp.-UOI : Mr. Anil Kumar, Addl. SGI  
Ms. Chandana Kumari, AC to Addl. SGI  
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**14/Dated: 08<sup>th</sup> April, 2024**

1. The affidavit which has been directed to be filed on behalf of the State vide order dated 02.04.2024 has been sought to be filed in the Court.
2. Considering the prayer, the said affidavit is taken on record.
3. This Court has perused the said affidavit. It has been stated that an Anti-Drug Unit has been constituted to control and prevent the sale and purchase of the illegal drugs. Five separate teams were constituted to conduct raid under the supervision of Superintendent of Police, City, Ranchi. The said raids have been conducted and the steps have been taken to stop the sale and purchase of drugs, brown sugar, opium, etc. The endeavours have been taken to collect secret information and thereafter to take steps in accordance with law to arrest the criminals.
4. A letter has been issued under the signature of Superintendent of Police, City, Ranchi vide memo no.1649 dated 29.03.2024 directing the Deputy Superintendent of Police (Kotwali, Hatia and Sadar) to take immediate steps to curb the sale and purchase of contraband substance by constituting raiding team and submit the outcome of raids conducted thereto.

It has also been stated that 51 FIRs have been instituted against drug criminals and 71 drug peddlers have been also arrested since September, 2023 in the district of Ranchi.

5. The statement has been made that during last 20 days a historically record seizure and arresting have been made by Ranchi police. During the aforesaid period, 23 FIRs have been instituted against the drug criminals and 41 drug peddlers have been arrested. The seizure has been made of

value more than 6.5 crores during the last three weeks. A detailed chart has been appended as Annexure-G series.

6. This Court has also found that the Deputy Superintendent of Police, South Chotanagpur, Ranchi has issued direction vide memo no. 1675 dated 06.04.2024 to stop the sale and purchase of drug and contraband substance with a specific direction to co-ordinate with the Drug Inspector and install CCTC at drug/medical shop to regulate and control drug related crime.
7. This Court is constrained to observe that the duty and exercise which ought to have been done at the end of the S.S.P. and Dy. S.P., South Chotanagpur Range, Ranchi, unfortunately the endeavours has not been taken rather the same has only been taken when the Court has passed the direction.
8. Now, the concern of the Court is that the aforesaid steps which has been followed by the district police of Ranchi is necessarily to be followed in future also considering the same to be their bounden duty so as to achieve the very object and intent of the spirit of NDPS Act as also usage of drug is not an individual crime rather it is a crime against the society as also it is ruining the future of the nation.
9. It appears from the statement made at paragraph-19 of the affidavit where the reference of letter issued by the Dy. Inspector General of Police, South Chotanagpur, Ranchi vide memo no.1675 dated 06.04.2024 has been made and the said letter was issued for the purpose of issuing instructions to stop the sale and purchase of the contraband substance with a specific direction to co-ordinate with the Drug Inspector and install CCTC at drug/medical shops to regulate and control drug related crime.
10. This Court, therefore, is now directing the Deputy Inspector General of Police, South Chotanagpur, Ranchi to file a specific affidavit with respect to the compliance of the said instructions as contained in memo no. 1675 dated 06.04.2024.
11. It further requires to refer herein that this Court is dealing with the issue of contraband which cannot be restricted only to the district of Ranchi rather it is primary duty of the police administration and all concerned to look into the issue across the State.
12. This Court fails to understand that the Deputy Inspector General of Police, South Chotanagpur, Ranchi however has issued a letter vide memo no.1675

dated 06.04.2024 but very surprisingly he has only issued instructions for installation of CCTC at drug/medical shops to regulate and control drug related crime as would appear from Annexure-I but the same only restricts to the district of Ranchi.

13. When such decision has been taken at the level of Deputy Inspector General of Police, South Chotanagpur, Ranchi, the direction ought to have been issued by the Deputy Inspector General of Police, South Chotanagpur, Ranchi at least the districts falling under his zone, i.e., South Chotanagpur Zone, Ranchi. The Deputy Inspector General of Police, South Chotanagpur, Ranchi, therefore, is directed to look into the aforesaid matter.
14. It has been informed that the Director General (CID) is entrusted by the State Government to look into the issue of NDPS also, therefore, the Director General (CID) is to issue instructions to all the SPs of the district across the State to take sincere endeavours and file affidavit with respect to the same.
15. This Court, further, is concerned that merely arresting and making seizure of the contrabands cannot be said to be sufficient if the illegal doers will not be punished adequately. The law is there, i.e., NDPS Act., particularly, thing is to be considered by the investigating officer at the time of seizure of the contrabands and the process which is to be followed before commencement of the trial as per the provision contained by virtue of Rule 2022 and the other offences as contained under NDPS, particularly, Section 52-A(4) of the Act. The reference needs to be made herein that in absence of proper seizure, the final result in the criminal case will be vitiated. The requirement therefore is that the police personnel is required to work in tandem with the Narcotics Control Bureau (NCB) and they be trained so as to follow the judgment rendered by the Hon'ble Apex Court in *Union of India vs. Mohanlal and Anr.*, reported in (2016) 3 SCC 379.
16. Let an affidavit be filed on or before the next date of hearing showing the follow up action taken in Ranchi and other districts across the State and what steps have been taken by the functionary who have been entrusted to deal with the issue, i.e., Director General (CID) and the SSP/SP of the concerned district.

17. The steps which have been taken at the end of the SSP, Ranchi is directed to continue in future also. The SSP, Ranchi is further directed to fix personal accountability upon the officer in-charge of the concerned police station if any report comes pertaining to sale and purchase of the contrabands.
18. Mr. Anil Kumar, learned Addl. SGI appearing for the Central Government (Narcotics Control Bureau) has submitted that he has received the status report which he was to file but the same could not have been filed, therefore, he has sought for adjournment for today.
19. He has further informed that the copy of the said affidavit along with the action to be taken to put strict check upon the contrabands including the inter/intra transportation of the same, the State is also required to work in tandem with NCB as per the order dated 28.11.2023, hence, he has submitted that the copy of the said affidavit will also be required to be responded on behalf of the State.
20. Mrs. Priya Shrestha, learned Special Public Prosecutor has submitted that she will also file an affidavit by receiving instructions from the competent authority who is looking after the NDPS issue, i.e., Director General (CID).
21. Let an affidavit be filed on behalf of the State of Jharkhand.
22. It has been submitted that the copy of the affidavit which is to be filed on behalf of the NCB is to be served upon the learned State counsel in course of the day.
23. Considering the same, the affidavit which is to be filed on behalf of the State as directed hereinabove, shall be filed on or before the next date of hearing.
24. Let the case be listed on 18.04.2024.

**(Sujit Narayan Prasad, J.)**

**(Arun Kumar Rai, J.)**

*Saurabh/-*