

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

R/WRIT PETITION (PIL) NO.21 of 2023

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SUO MOTU

Versus

THE STATE OF GUJARAT

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**Appearance :**SUO MOTU for the Applicant.  
MRS MANISHA LAVKUMAR, GOVERNMENT PLEADER ASSISTED BY MS  
SHRUTI PATHAK, AGP for the Opponent Nos.1,2,3,4

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**CORAM:HONOURABLE THE ACTING CHIEF JUSTICE MR.  
JUSTICE A.J.DESAI  
and  
HONOURABLE MR. JUSTICE BIREN VAISHNAV**

Date : 13/04/2023

ORAL ORDER

(PER : HONOURABLE THE ACTING CHIEF JUSTICE MR.  
JUSTICE A. J. DESAI)

Vide oral order dated 13.3.2023 passed by learned Single Judge (Justice Nikhil S. Kariel) recording reasons for issuing notice to the State Government Suo Motu in the interest of public at large in connection with the news item published in a newspaper showing that minors are being used from inception of manufacturing drugs and supplying and circulating the same to the Society, the State authorities were asked to answer the following issues :-

(i) Whether there is any truth in the newspaper report, more particularly, as regards young children being used as 'delivery agents' to deliver drugs across the city.

(ii) If the report is correct or even partly correct, then what action has been taken/proposed to be taken by the State to rescue minor children from doing this dangerous business ?

(iii) Whether the State has any policy for rehabilitating such minors or how does the State intent to rehabilitate minors, who have been allegedly involved in the above-referred dangerous business ?

2. Accordingly, the present petition was listed before this Court on 21.3.2023. Mrs. Manisha Lavkumar, learned Government Pleader appeared for the State and requested for time to file affidavit-in-reply. Accordingly, the matter was adjourned to 13.4.2023 i.e. today.

3. Today, two affidavits have been filed on behalf of State Authorities. One affidavit has been filed by Vala Jayrajsinh Vikramsinh, Deputy Commissioner of Police, Special Operation Group (SOG), Ahmedabad City which discloses certain facts about the steps taken by the Commissioner subsequent to the order passed by this Court. From the said affidavit, it appears that the Authority could trace out certain minors whose photographs were published in the newspaper. It is also stated in the said affidavit that FIR has also been lodged against the lady whose name has been referred in the newspaper along with other co-accused. It has also been brought to the notice of this Court that those two persons have been released on bail under Section 439 of the Code of Criminal Procedure, 1973 by the concerned Trial Court.

4. It has also been declared that the authority is more

vigilant on certain points in the Society where they have doubts about manufacturing / circulation of the drugs. It has also been stated in the said affidavit that around 1873 cases have been lodged under the provisions of the NDPS Act during 2018 to March 2023. Out of those cases, 20 juveniles were involved in 18 cases. It has also been declared that various programs to sensitize the public at large about the health hazards have been undertaken by the authorities.

5. Another affidavit has also been filed on behalf of the respondent by one Hansaben N. Vala, Deputy Director, Director Social Defence, Gandhinagar and has declared about the steps taken by the authority for rehabilitation of such minors.

6. Considering the above aspect, at this juncture, we do not pass further order and simply adjourn the matter for further consideration. Stand over to 23.6.2023. The respondents shall file further affidavit before the next date of hearing.

**(A. J. DESAI, ACJ)**

**(BIREN VAISHNAV, J)**

SAVARIYA