



STATE OF RAJASTHAN V. SAHI RAM, A.I.R 2019 S.C. 4723

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INTRODUCTION

The Supreme court in the case between State of Rajasthan v. Sahi Ram has ruled in favour of the State and this in turn has brought up a lot of questions that need to be answered and shed some light on some loopholes as well as the scope for misuse. As will be discussed in this case commentary, the Supreme Court ruling has opened up a platform where these issues can come to light.

FACTS OF THE CASE

Sahi ram along with two other private persons were on their way from Madhya Pradesh and in their possession was 223kgs of poppy straw. Based on some information they were stopped and in accordance of Section 42 of the NDPS Act were searched and the contraband was seized. After it was seized, a sample of 500g was taken from each of the 7 bags. Based on this investigation was conducted and charge sheet was filed following which the Trial court sentenced the respondent to 15 years of rigorous imprisonment and a fine of 1,50,000. The respondent being aggrieved by the decision of the Trial Court filed an appeal to the HC where the respondent was acquitted on the notion that the prosecution had failed to exhibit the contraband in the court and hence the entire evidence of the prosecution regarding alleged seizure had to be discarded. Following which the case reached the Supreme Court.

JUDGEMENT OF THE SUPREME COURT:

The SC held, If the seizure of the material is otherwise proved on record and is not even doubted or disputed the entire contraband material need not be placed before this Court. If the seizure is otherwise not in doubt, there is no requirement that the entire material ought to be produced before the Court. At times the material could be so bulky, for instance as in the present material when those 7 bags weighed 223 kgs that it may not be possible and feasible



*to produce the entire bulk before the Court.*¹ Following which the Supreme Court sentenced the respondent to 10 years and fine.

ANALYSIS

The decision of the Supreme Court, has shed light on some issues and has even highlighted the lack of practice of an efficient procedural system. Currently according to the NDPS Act particularly section 52A, this section deals with the disposal of seized narcotic drugs and psychotropic substances. It is as follows,

*The Central Government may, having regard to the hazardous nature of any narcotic drugs or psychotropic substances, their vulnerability to theft, substitution, constraints of proper storage space or any other relevant considerations, by notification published in the Official Gazette, specify such narcotic drugs or psychotropic substances or class of narcotic drugs or class of psychotropic substances 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.*²

The section also deals with how the contraband should be stored and also how inventory should be maintained. In retrospect if such procedure of the NDPS Act was followed and actual inventory control was maintained by the police such a case would not have been difficult to prosecute and the time of the Supreme court would not have been wasted because to this day the seized contraband is not accounted for. This leads to the obvious question arising from the analysis of this case which is, where does the seized drugs from our country go? and whether the seized drugs are destroyed by the procedure established by the law.

In the case of *Union of India v. Mohanlal*³ the bench appointed senior advocate Ajith Kumar Sinha as amicus curiae. The Supreme Court then noted: “The pilferage of the contraband and its return to the marketplace for circulation is, in our opinion, a major hazard against which the system must guard at all costs, if necessary, by making suitable changes wherever the same are called for. “It expanded the scope of the appeal, saying, “The hazardous nature of the substance seized in large quantities all over the country must not be let loose on the society because of human failure or

¹State of Rajasthan v. Sahi Ram, A.I.R 2019 S.C. 4723

²The Narcotic Drugs and Psychotropic Substances Act 1985, Section 52A.

³ Union of India v. Mohanlal, (2012) 7 SCC 719.



failure of the system that is purported to have been put in place.”⁴ This case was in the year 2012 and irrespective of that the state Government has not made significant change and the following case stands testament to that.

According to the law, the state must destroy all the drugs it has seized but that is not what takes place. The first-ever official exercise to map the drug menace in India, on the orders of the Supreme Court, has revealed that of the 51.4 lakh kg of narcotics confiscated across the country over the last 10 years, only 16 lakh kg were destroyed.⁵ This is the root of the problem which had led to the acquittal of Sahi Ram in the High Court. And also has a tremendous impact in our society. The drugs that were not destroyed most probably will end up in the society itself leading to the corruption of young minds and lives ruined due to drug abuse.

CONCLUSION

The Supreme court decision of State of Rajasthan v. Sahi Ram has given light to the current issue the country is facing, which is the efficient and effective disposal of illegal drugs and absolute enforcement of the said matter. If not, the consequences will be severe and hence in need of dire reform.

REFERENCE: [HTTPS://LEXFORTI.COM/LEGAL-NEWS/](https://lexforti.com/legal-news/)

⁴ [Utkarsh Anand](https://indianexpress.com/article/india/india-others/drugs-seized-not-destroyed/), “Drugs Seized, Not Destroyed” New Delhi, September 3, 2015 1:43:46 am <https://indianexpress.com/article/india/india-others/drugs-seized-not-destroyed/>

⁵ [Utkarsh Anand](https://indianexpress.com/article/india/india-others/in-first-national-drugs-map-a-big-haul-and-a-glaring-gap/), “In first national drugs map, a big haul and a glaring gap” New Delhi, Updated: September 1, 2015 9:53:38 am. <https://indianexpress.com/article/india/india-others/in-first-national-drugs-map-a-big-haul-and-a-glaring-gap/>