

## Gujarat - Emerging As A Hub Center For Import, Trade And Consumption Of Drugs

<sup>1</sup>Nimje Hiralal Tekchandbhai, <sup>2</sup>Dr.Bhadresh Anilkumar Dalal

<sup>1</sup>B.Com, LL.M, Ph.D. Scholar, Sarvajanic College of Law, Sarvajanic University, Surat, Gujarat, India.

<sup>2</sup>M.Com, LL.M., Ph.D. in Law, Assistant Professor, Sarvajanic College of Law, Saajanik University, Surat, Gujarat, India

**How to cite this article:** Nimje Hiralal Tekchandbhai, Dr.Bhadresh Anilkumar Dalal (2023). Gujarat - Emerging As A Hub Center For Import, Trade And Consumption Of Drugs. *Library Progress International*, 43(2), 1392-1399

### **ABSTRACT:**

The present situation of Gujarat state is taken into consideration, the name of Gujarat is shining for the import, trade and consumption of narcotic substances in a short time. This is a very serious matter and a big challenge for the state of Gujarat. Import, trade and consumption of narcotic substances are taking place in states as if there is no law in existence. A huge amount of narcotic substances have been seized from different places in the state during the last few years based on which it can be said that the state of Gujarat is emerging as a hub center for import, trade and consumption of narcotic substances. This is a big challenge for the government. The main reasons behind increasing drug consumption in Gujarat are complexity of law enforcement and the failure of policies made by the government.

**Keywords :** Consumption, Crime, Gujarat, Import, NDPS, Smuggling, Trade

### **INTRODUCTION:**

The state of Gujarat, known as the birthplace of Mahatma Gandhi and Prime Minister Narendra Modi, is today becoming a hub center for the importation and trade of narcotics. In a conversation with Divya Bhaskar News Agency, Mr. Bimal Patel, a member of the International Law Commission, said, "Laws to prevent drug trafficking are at the international, national and state level. However compliance with this law is the biggest challenge."<sup>1</sup> Further he said that drug trafficking is the most serious concern for India-Gujarat. Approximately 2988 kg of heroin was found in containers from Mundra port in Gujarat in the September-2021, the market value of which was estimated to be around Rs 20,000 crore. This is a huge and a very serious matter for the youth of our country.<sup>2</sup> The coastal region of Gujarat is proving to be a silk route for the import of narcotics. Gujarat's 1,600 km long coastline has become notorious for drug smuggling, a major issue of growing concern in the state.

### **REVIEW OF LITERATURE:**

Relevant literature is reviewed here to justify the title of the research paper and fulfill the objective of the paper. An in-depth study of the available literature on the topic of the research paper can lead to results relevant to the research problem. Before starting work on a research paper, a literature review is necessary to avoid repetition of existing literature and to better understand various aspects of the research topic.

⇒ *V.N. Shukla's (2022) Constitution of India*<sup>3</sup>: In this book, Article-47 of the Constitution of India states that it is the "Duty of the State to raise the level of nutrition and the standard of living and to improve public health.- The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public

<sup>1</sup> Mr. Bimal Patel, Member of the International Law Commission <https://www.divyabhaskar.co.in/local/gujarat/ahmedabad/news/bimal-patel-a-member-of-the-international-law-commission-spoke-to-divya-bhaskar-129114089.html>

<sup>2</sup> Biggest drug haul: How 3 tonnes of heroin worth Rs 20,000 crore seized in Gujarat <https://timesofindia.indiatimes.com/city/ahmedabad/haul-of-infamy-3-tonnes-of-heroinseized/articleshow/86378497.cms>

<sup>3</sup> V.N.Shukla's Constitution of India, 14<sup>th</sup> Edition, Page No.356

health as among its primary duties and, in particular, the State shall endeavor to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health". Based on this provision of the Guiding Principles of State Policy of the Indian Constitution, the government has formulated laws and policies to prevent the illicit trade and use of narcotic substances.

⇒ **Mukesh R Upadhyay (2021-22) *The Narcotic Drugs and Psychotropic Substances Act-1985***<sup>4</sup>:The laws and regulations framed by the central government for narcotic substances are discussed in the present book. In which strict provisions have been made by the government to control and regulate the use of narcotic drugs and Psychotropic substances in India. It also lays down provisions and rules for the confiscation of property derived from or used in the illicit trafficking of narcotic drugs and Psychotropic substances.

⇒ **Dr.Sheetalkanwal, *Drug addiction, criminal justice and human rights***<sup>5</sup>:The factors behind drug abuse among the youth of the country are elaborately explained in this book.

⇒ **Iyer's (2013) *Narcotic Drugs and Psychotropic Substances Act-1985***<sup>6</sup> : The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act Laws made to provide for detention in narcotics cases for the purpose of preventing the trafficking of narcotic drugs and psychotropic substances for illicit use in the country are discussed in the present book.

⇒ **S.N. Katju's (2007) *Law of Drugs***<sup>7</sup>: The Drugs and Cosmetics Act, 1940, has been enacted by the Central Government to govern the licensing and regulation of drugs (medicines) in India is discussed in S.N. Katju's book named "Law of Drugs".

⇒ **Surinder Kumar Khannavs *Intelligence Officer [AIR 2018 SC 3574]***<sup>8</sup>:The Supreme Court has held that conviction under Narcotic Drugs and Psychotropic Substances Act-1985 cannot be based solely on the confessional statement of a co-accused, in the absence of a substantive piece of evidence.

⇒ **MohdZahidvs *State, Through NCB [Cri. Appeal No.147 of 2021]***<sup>9</sup>:Hon'ble Supreme court held that "No leniency should be shown to an accused who is found to be guilty for the offence under the NDPS Act. Those persons who are dealing in narcotic drugs are instruments in causing death or in inflicting death blow to a number of innocent young victims who are vulnerable. Such accused causes deleterious effects and deadly impacts on the society.

⇒ **Mr.Bimal Patel, *Member of the International Law Commission***<sup>10</sup>:In a conversation with DivyaBhaskar News Agency, Mr.Bimal Patelsaid, "Laws to prevent drug trafficking are at the international, national and state level as well. But compliance with this law is the biggest challenge." Further he said that drug trafficking is the most serious concern for India-Gujarat.

⇒ **Biggest drug haul (Times of India)**<sup>11</sup>: In the month of September 2021, approximately 2988 kg of heroin were recovered from a container at Mundra port in Gujarat, with a market value of approximately Rs.20,000 crore. An article has been published in the Times of India in this regard.

⇒ **Gujarat and the daze of drugs (Deccan herald)**<sup>12</sup>: The Deccan Herald has published an article about the seizure of large quantities of narcotics by the police and ATS from several places in Gujarat in the last year.

#### **RESEARCH PROBLEM:**

Recently in the state of Gujarat, a large quantity of narcotic substances have been seized from different places and crimes have been registered during the last one year. Also the state of Gujarat is facing serious problems like illegal import, trade and consumption of narcotic substances. Crimes like import, trade and consumption of narcotic substances in Gujarat are on the rise, corrupting all sections of the society, cases are piling up in courts and accused are being acquitted due to non-

---

<sup>4</sup>Mukesh R Upadhyay, *The Narcotic Drugs and Psychotropic Substances Act 1985*, 3rd edition.

<sup>5</sup>Dr. Sheetal kanwal, *Drug addition, criminal justice and human rights*

<sup>6</sup> Iyer's *Narcotic Drugs and Psychotropic Substances Act-1985*, 2<sup>nd</sup> Edition, Vol.1

<sup>7</sup> S.N. Katju's, *Law of Drugs*, 4<sup>th</sup> Edition

<sup>8</sup>AIR 2018 SC 3574

<sup>9</sup>Cri. Appeal No.147 of 2021

<sup>10</sup> Mr. Bimal Patel, Member of the International Law Commission <https://www.divyabhaskar.co.in/local/gujarat/ahmedabad/news/bimal-patel-a-member-of-the-international-law-commission-spoke-to-divya-bhaskar-129114089.html>

<sup>11</sup>Biggest drug haul: How 3 tonnes of heroin worth Rs 20,000 crore seized in Gujarat <https://timesofindia.indiatimes.com/city/ahmedabad/haul-of-infamy-3-tonnes-of-heroinseized/articleshow/86378497.cms>

<sup>12</sup> Gujarat and the daze of drugs: Major busts in coastal state in the past year <https://www.deccanherald.com/national/west/gujarat-and-the-daze-of-drugs-major-busts-in-coastal-state-in-the-past-year-1161409.html>

fulfillment of the provisions of the Narcotics Drugs and Psychotropic Substances Act-1985. So it is becoming very difficult to control this problem.

**OBJECTIVE:**

- 1) To study the factors behind the continuous increase in crimes such as illegal import, trade and consumption of narcotic substances in the state of Gujarat.
- 2) To study the Narcotic Drugs and Psychotropic Substances Act-1985.
- 3) To examine the government policy on prevention of crimes like illegal import, trade and consumption of narcotic substances.
- 4) To study court cases and judgements, examine the reasons and factors that influence the court to take steps to punish or acquit criminals.

**HYPOTHESIS:**

- 1) Steady increase in crimes like illegal import, trade and consumption of narcotic substances due to lack of public awareness and failure of strict action by the authorities which result in abuse of narcotic substances day by day.
- 2) Unnecessary delay in court proceedings due to non-fulfillment of the provisions of The Narcotic Drugs and Psychotropic Substances Act-1985, and technical requirements of the law during trial is paving the way for acquittal of the accused and continuously increasing the caseload of the courts.
- 3) The existing Narcotic Drugs and Psychotropic Substances Act-1985, needs to be amended as per the state requirement so that courts and authorities can control the increasing crimes related to narcotic substances.
- 4) There is a need to improve the government policies made by the government to control and prevent crimes such as illegal import, trade and consumption of narcotic substances.

**RESEARCH METHODOLOGY:**

Doctrinal and non-doctrinal methods have been used in the research paper. Theoretical sources for the research paper Information has been collected and analyzed from books, articles, newspapers, law journals, judgments, law Commission reports, voluntary organizations, government offices, parliamentary debates, and the official websites of various national and international organizations.

**LEGISLATIVE APPROACH:**

The Narcotic Drugs and Psychotropic Substances Act 1985 (NDPS Act) sets out the statutory framework for drug law enforcement in India. This Act consolidates the erstwhile principal Acts, viz. the Opium Act 1857, the Opium Act 1878 and the Dangerous Drugs Act, 1930. The NDPS Act also incorporates provisions designed to implement India's obligations under various International Conventions. Certain significant amendments were made in the Act in 1989 to provide for the forfeiture of property derived from drug trafficking and for control over chemicals and substances used in the manufacture of narcotic drugs and psychotropic substances.

***(a) Constitutional provisions:***

The National Policy on Narcotic Drugs and Psychotropic Substances is based on the Directive Principles, contained in Article 47 of the Indian Constitution, which direct the State to endeavor to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drugs injurious to health.<sup>13</sup> The government's policy flows from the above constitutional provision and is also guided by the three UN conventions on which India is signatory, namely –

- 1) Single convention on narcotic drugs, 1961 as amended by the 1972
- 2) Protocol convention on psychotropic substances, 1971
- 3) The United Nations convention against illicit traffic in narcotic drugs and psychotropic substances, 1988.

***(b) Legal Provisions:***

• ***The broad legislative policy is contained in the three Central Acts, namely,***

- 1) *The Narcotic Drugs and Psychotropic Substances Act-1985 as amended.*<sup>14</sup>

To make strict provision to control and regulate the use of The Narcotic Drugs and Psychotropic Substances in India, to provide for confiscation of property derived from or used in illicit traffic in The Narcotic Drugs and Psychotropic Substances, provisions of International Agreements on Narcotic Drugs and Psychotropic Substances. The Narcotic Drugs and Psychotropic Substances Act - 1985 was enacted by Parliament on 16th September 1985 for implementing and related matters.

- 2) *The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act-1988.*<sup>15</sup>

---

<sup>13</sup>V.N.Shukla's Constitution of India, 14<sup>th</sup> Edition,Page No.356

<sup>14</sup>Mukesh R Upadhyay, The Narcotic Drugs and Psychotropic Substances Act 1985, 3rd edition.

<sup>15</sup>Iyer's Narcotic Drugs and Psychotropic Substances Act-1985, 2<sup>nd</sup> Edition, Vol.1

The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act-1988 was earlier promulgated as an ordinance on 4 July 1988 which later became a law in August 1988. This is an Act to provide for detention in narcotic cases for the purpose of preventing trafficking in illegal drugs and psychotropic substances.

3) *Drugs and Cosmetics Act-1940 as amended.*<sup>16</sup>

The Drugs and Cosmetics Act-1940, inter alia, governs the licensing and regulation of narcotic drugs and drugs containing psychotropic substances specified under the schedule of the NDPS Act.

#### **EXECUTIVE APPROACH:**

##### ***Drug Control Strategy and Policy***

In order to give effect to the statutory provisions relating to narcotic substances, an order, namely the N.D.P.S. (Regulation of Controlled Substances) Order, was promulgated by the Government of India in 1993 to control, regulate and monitor the manufacture, distribution, import, export, transportation etc. of any substance which the Government may declare to be a 'controlled substance' under the Act. The statutory regime in India consequently covers drug trafficking, drug related assets as well as substances which can be used in the manufacture of narcotic drugs and psychotropic substances. Some further amendments were incorporated in the NDPS Act in 2001, mainly to introduce a graded punishment.<sup>17</sup>

The primary counter narcotics focus areas in India includes: -

- i. Surveillance and enforcement at import points and land borders.
- ii. Preventive and interdiction efforts along the known drug routes.
- iii. Control measures at export points, such as air-passenger terminals, cargo terminals and foreign post offices.
- iv. Improved co-ordination between the various drug law enforcement agencies.
- v. Identification and eradication of illicit cultivation and the wild growth of cannabis and the opium poppy.
- vi. Strengthening of the intelligence apparatus to improve the collection, collation, analysis and dissemination of operational intelligence
- vii. Increased international co-operation, both in operational and long term intelligence as well as in investigations and mutual legal assistance.

##### **● *Large quantities of narcotic substances have been seized in Gujarat recently.***<sup>18</sup>

1) *2988 kg heroin was seized from Mundra port in September-2021.*

Approximately 2988 kg of heroin was found in the containers at Mundra port in Gujarat in September-2021, the market value of which is estimated to be around Rs 20,000 crore.

2) *Heroin and methamphetamine drugs worth Rs 313.25 crore seized from Dwarka district in November-2021.*

Heroin and methamphetamine drugs worth 313.25 crores were seized from Dwarka district of Gujarat in November-2021. The seized drugs were suspected to have been brought to Gujarat by sea from Pakistan.

3) *In December-2021, 77 kg of heroin worth around Rs 400 crore was seized from the Jakhou coast of Kutch district.*

77 kg of heroin, worth around Rs 400 crore, was seized from a Pakistani fishing boat in the Indian sea off the Jakhow coast of Gujarat's Kutch district. The drug was seized in a joint operation by the Indian Coast Guard and Gujarat ATS.

4) *Around 800 kg of drugs seized by Navy and NCB in Arabian Sea near Gujarat in February 2022*

A joint operation by the Navy and the Narcotics Control Bureau (NCB) in February seized around 800 kg of drugs with a street value of around Rs 2,000 crore from a ship off the coast of Gujarat in the Arabian Sea.

5) *ATS seized 120 kg of heroin in March 2022 from Morbi district.*

Around 120 kg of heroin was seized by Gujarat ATS from Morbi district and has a global market value of Rs 600 crore.

6) *In April 2022, 260 kg of heroin was seized from a container at Kandla port in Kutch district.*

A joint operation by Gujarat ATS and DRI seized 260 kg of heroin worth around Rs 1,300 crore from a container at Kandla port in Kutch district.

7) *NCB seized 724 kg of ganja worth Rs 1.45 crore from Surat in June 2022.*

724 kg of ganja worth Rs 1.45 crore brought from Odisha to Surat was seized by NCB from Surat, along with the arrest of six persons.

8) *In August 2022, ATS seized 225 kg of mephedrone from a factory in Ankleshwar, Gujarat.*

ATS seized 225 kg of party drug mephedrone worth Rs 1,125 crore from an under-construction factory near Ankleshwar in Vadodara. And six persons were also detained.

---

<sup>16</sup>S.N. Katju's, Law of Drugs, 4<sup>th</sup> Edition

<sup>17</sup>Official website of Narcotics control Bureau <https://narcoticsindia.nic.in/>

<sup>18</sup> Gujarat and the daze of drugs: Major busts in coastal state in the past year <https://www.deccanherald.com/national/west/gujarat-and-the-daze-of-drugs-major-busts-in-coastal-state-in-the-past-year-1161409.html>

9) *Indian Coast Guard seized heroin worth Rs 350 crore from a Pakistani boat off the coast in October 2022.*

A joint operation by the Indian Coast Guard and Gujarat ATS seized 50 kilograms of heroin worth Rs 350 crore from a Pakistani boat off the coast of Gujarat state.

Considering the current situation of the state of Gujarat, the implementation of government policies and laws in Gujarat is a major challenge for the government. Because of this, the state of Gujarat is continuously progressing in the import, trade and consumption of narcotic substances. And Uttar-Pradesh, Punjab, Delhi and Mumbai are at the forefront of major consumption and trade of narcotic drugs. And if we consider the current situation, the name of Gujarat is shining for consumption and import of narcotic substances in a short time, Which is a very dangerous matter. The youth of Gujarat is more and more under the grip of such evil. States import, trade and consume narcotic substances as if there is no law in existence. The main reason behind this is the complexity of government policies and law enforcement.

**JUDICIAL APPROACH:**

Some of the important judgments given by the Hon'ble Supreme Court are as follows:

**1) *UOI vs. Mohanlal and Anr*<sup>19</sup>**

The Hon'ble Supreme Court in the present matter had taken cognizance of the fact that a lot of seized contraband is being kept with the Central and State agencies and that the efforts taken towards the destruction of such contraband are not adequate. The Court has observed that the contraband is finding its way back into society. After careful scrutiny of the collected data from different agencies and High Courts in regard to seizure, storage, disposal and destruction of the seized contraband, the Court has delivered a judgment on these aspects of NDPS law.

Further stated about Gujarat state, “As per the said response the total amount of contraband seized in 10 years are 28340.047 Kg. No division of the type has been provided.

The total destruction in the last 10 years however is only 132.375 Kg The total amount of Contraband still in custody of the authorities is 28207.672 Kgs, i.e. 99.53% of the seized amount.”

The response of the NCB Zonal Unit is as follows:

Sr.no	Item	Total Quantity Seized (In 10 years)	Total Quantity Destroyed (In 10 years)	Difference
1	Charas	1421.14 kg	15.056 kgs	1406.084 kg (98.9%)
2	Opium	17.505 kg	0	17.505 kg (100%)
3	Brown Sugar	2.03 kg	0	2.03 kg (100%)
4	Heroin	3.066 kg	0	3.066 kg (100%)
5	Others	3766.126 kg + 299 ltrs. +1022 Tablets	525 kgs	3241.126 kgs (86.05%) + 229 ltrs (100%) + 1022 Tablets (100%)

**2) *Surinder Kumar Khannavs Intelligence Officer*<sup>20</sup>**

Conviction cannot be based solely on co-accused’s ‘Confessional Statement’ – Held – The Supreme Court has held that conviction under Narcotic Drugs and Psychotropic Substances Act-1985, cannot be based solely on the confessional statement of a co-accused, in the absence of a substantive piece of evidence. The bench observed: “Even if we are to proceed on the premise that such a statement under Section 67 of the NDPS Act may amount to confession, in our view, certain additional features must be established before such a confessional statement could be relied upon against a co-accused. It is noteworthy that unlike Section 15 of Terrorist and Disruptive Activities Act, 1987 which specifically makes confession of a co-accused admissible against other accused in certain eventualities; there is no such similar or identical provision in the NDPS Act making such confession admissible against a co-accused. The matter, therefore, has to be seen in the light of the law laid down by this Court as regards general application of a confession of a co-accused as against other accused.” “On the touchstone of law laid down by this Court such a confessional statement of a co-accused cannot by itself be taken as a substantive piece of evidence against another co-accused and can at best be used or utilized in order to lend assurance to the Court.”

**3) *Arif Khan @ Agha Khan vs The State of Uttarakhand*<sup>21</sup>**

<sup>19</sup>(2016) 3 SSC 379

<sup>20</sup>AIR 2018 SC 3574

<sup>21</sup>Cri. Appeal No.273 of 2007

The Hon'ble Supreme Court did not agree with the observations of the trial Court and High Court that if the accused has given his consent that he can be searched by the police officer then it is compliance of section 50. The Court acquitted the accused citing its reasons: - the appellant was not produced before any Magistrate or Gazetted officer; - none of the police officials of the raiding party, who recovered the contraband "Charas" from him was Gazetted Officer - It is mandatory for the prosecution to prove that the search and recovery was made from the appellant in the presence of a Magistrate or a Gazetted Officer.

**4) *Sukhdev Singh vs. State of Haryana*<sup>22</sup>**

The Director General of Police concerned of all the States to issue appropriate instructions directing the investigating officers to duly comply with the provisions of Section 42 of NDPS Act at the appropriate stage to avoid such acquittals. Compliance to the provisions of Section 42 being mandatory, it is the incumbent duty of every investigating officer to comply with the same in true substance and spirit in consonance with the law stated by this Court in the case of Karnail Singh (supra).

**5) *Vijaysinh Chandubhai Jadeja vs State of Gujarat*<sup>23</sup>**

It is mandatory to inform the suspect of existence of his right to be searched before a Gazetted Officer or a Magistrate and in case he so opts failure to conduct search before such officer or Magistrate would render the recovery of article suspect and vitiate conviction if it is recorded on the base of recovery alone. Information need not be communicated in a prescribed form or in writing.

**6) *MohdZahid vs State, Through NCB*<sup>24</sup>**

Hon'ble Supreme court held that "No leniency should be shown to an accused who is found to be guilty for the offence under the NDPS Act. Those persons who are dealing in narcotic drugs are instruments in causing death or in inflicting death blow to a number of innocent young victims who are vulnerable. Such accused causes deleterious effects and deadly impact on the society. They are hazard to the society. Such organized activities of clandestine smuggling of narcotic drugs and psychotropic substances into this country and illegal trafficking in such drugs and substances have a deadly impact on the society as a whole. Therefore, while awarding the sentence or punishment in case of NDPS Act, the interest of the society as a whole is required to be taken into consideration. Therefore, even while applying discretion under Section 427 of Cr.PC, the discretion shall not be in favour of the accused who is found to be indulging in illegal trafficking in the narcotic drugs and psychotropic substances. As observed hereinabove, even while exercising discretion under Section 427 of Cr.PC to run subsequent sentence concurrently with the previous sentence, the discretion is to be exercised judiciously and depending upon the offence/offences committed. Therefore, considering the offences under the NDPS Act which are very serious in nature and against the society at large, no discretion shall be exercised in favour of such accused who is indulging into the offence under the NDPS Act".

**ANALYSIS:**

The collected data is analyzed to get the final result related to the research paper question. A comprehensive analysis is undertaken here of the legislative, executive, and judicial approaches that are the mainstay of the government's prevention of drug-related crimes. An in-depth study of the legal approach framed by the government to narcotics has resulted in the government being ineffective in punishing the accused due to the complexity of the law and the impossibility of enforcing some of the provisions of the law.

Considering the current situation due to the increasing number of cases in Gujarat, it seems that the government's policies formulated to prevent drug-related crimes have remained only on paper.

A detailed analysis is undertaken here of the judicial approach, which is considered the main pillar by the government to prevent drug-related crimes. The judiciary has been unable to punish the accused mainly due to non-compliance with legal provisions and inadequate training of officials.

If we consider all the data collected for the research paper, we can finally come to the conclusion that the main reasons behind the increasing crime in the state are the complexity of the law, the ineffectiveness of government policies, and the inadequate training of the officers.

**CONCLUSION:**

Considering the entire article it can be concluded as follows.

1) There is no hesitation in believing that the state of Gujarat has become the foremost state in terms of crimes such as the illegal import, trade, and consumption of narcotic substances. The state of Gujarat is emerging as a hub center for import and trade of narcotics. The youth generation of Gujarat state is getting trapped day by day due to drug abuse.

---

<sup>22</sup>Cri. Appeal No.2118 of 2008

<sup>23</sup>AIR 2011 SC 77

<sup>24</sup>Cri. Appeal No.147 of 2021

- 2) Compliance with the provisions of The Narcotic Drugs and Psychotropic Substances Act-1985, enacted by the government, the complexity of the law, and the technical requirements of the law during the trial lead to unnecessary delays in the court proceedings, paving the way for the acquittal of the accused and the perpetrators not being punished as well. The load of cases in the court is constantly increasing.
- 3) Keeping in view the present situation of the states of Gujarat, the increasing crimes in the state cannot be controlled without the amendment of the Narcotic Drugs and Psychotropic Substances Act-1985, as per the need of the state by the government.
- 4) As the government policies formulated by the government to control crimes like illegal import, trade, and consumption of narcotic substances are not being improved from time to time according to the situation, the crime rate is increasing in the states of Gujarat.
- 5) Lack of prompt and proper disposal of seized narcotic substances by the government is finding a way to divert the seized amount back to society.

**SUGGESTION:**

After studying the entire article, it is clear that there has been a huge increase in drug related crimes in Gujarat during the last few years. The main reasons behind which are the complexity of the provisions of the law implemented by the government, lack of amendment in the law, ineffectiveness of government policies, improper disposal of the seized narcotic substances etc. The following steps need to be taken by the government to prevent and control drug related crime in the states of Gujarat and India.

1. The government should conduct a campaign to spread awareness about drug abuse in society to prevent drug related crimes.
2. Government officials need to be more responsible and honest about their duty to check the rising crimes in the state.
3. There is a need to make appropriate amendments to the law to deal with the existing situation by removing the complexities in the law and the provisions of the law implemented by the government.
4. There is a need to make provision for expeditious disposal of cases in special courts constituted under the present law in the state.
5. The government should formulate a proper strategy to fight against evils like drug addiction.
6. The state government needs to make arrangements for proper and expeditious disposal of the quantity of narcotic substances seized from the accused.
7. Neighbouring states and central agencies of India need to cooperate with each other by carrying out appropriate campaigns to root out evils like narcotics.

**REFERENCES:**

***(A) Books***

1. Mukesh R Upadhyay, 2021-22, The Narcotic Drugs and Psychotropic Substances Act-1985, 3<sup>rd</sup> edition, Noble law publishers.
2. Iyer's, 2013, Narcotic Drugs and Psychotropic Substances Act-1985, 2nd Edition, Vol.1, Delhi law house
3. Dr.Sheetalkanwal, Drug addition, criminal justice and human rights, Amal law publications
4. V.N.Shukla's, 2022, Constitution of India, 14th Edition, EBC publication p ltd.
5. S.N. Katju's, 2007, Law of Drugs, 4th Edition, Delhi law house

***(B) Judgments***

6. UOI vs. Mohanlal and Anr,
7. Surinder Kumar Khannavs Intelligence Officer,
8. Arif Khan @ Agha Khan vs The State of Uttarakhand,
9. Sukhdev Singh vs. State of Haryana,
10. VijaysinhChandubhaiJadejavs State of Gujarat,
11. MohdZahidvs State, Through NCB,

***(C) Websites***

12. Exclusive Interview: International Law Commission member Bimal Patel said, there are laws on drugs but implementation is a big challenge  
<https://www.divyabhaskar.co.in/local/gujarat/ahmedabad/news/bimal-patel-a-member-of-the-international-law-commission-spoke-to-divya-bhaskar-129114089.html>
13. Biggest drug haul: How 3 tonnes of heroin worth Rs 20,000 crore seized in Gujarat  
<https://timesofindia.indiatimes.com/city/ahmedabad/haul-of-infamy-3-tonnes-of-heroinseized/articleshow/86378497.cms>

14. Gujarat and the daze of drugs: Major busts in coastal state in the past year <https://www.deccanherald.com/national/west/gujarat-and-the-daze-of-drugs-major-busts-in-coastal-state-in-the-past-year-1161409.html>
15. Website for Judgment <https://indiankanoon.org>
16. Official website of Narcotics control Bureau <https://narcoticsindia.nic.in/>