

**AFR**

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**Writ Petition (Civil) No. 32580 of 2021**

*State of Odisha* ..... *Petitioner*  
-versus-  
*Registrar General,* ..... *Opposite Party*  
*Orissa High Court, Cuttack*

**Appeared in this case:**

*For Petitioner* : Mr. Janmejaya Katikia,  
Additional Government Advocate  
*For Opposite Party* : Mr. P. K. Muduli,  
Additional Government Advocate

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE A. K. MOHAPATRA**

**JUDGMENT**  
**31<sup>st</sup> January, 2022**

**Dr. S. Muralidhar, CJ.**

***Introduction***

1. This petition by the State of Orissa through the Superintendent of Police, Special Task Force, CID CB seeks directions to the Registrar General of this Court for taking appropriate measures towards seizure, sampling, safe keeping and disposal of seized drugs, narcotics and psychotropic substances in terms of the judgment of the Supreme Court in *Union of India v. Mohanlal (2016) 3 SCC 379*, which was delivered on 28<sup>th</sup> January, 2016. In particular, it is pointed out that

despite the insertion of Section 52-A in the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) by the NDPS (Amendment) Act, 2014(Act 16 of 2014), not enough has been done for actual disposal of the seized drugs in the State of Orissa and that there is a huge inventory of such seized drugs in the Malkhanas of various police stations as well as in the Courts. Reference is also made to the Notification dated 16<sup>th</sup> January, 2015 issued by the Department of Revenue, Ministry of Finance, Government of India, regarding disposal of narcotic drugs, psychotropic substances, controlled substances and conveyances immediately after their seizure. Clauses 4 and 9 of the said Notification set out the manner and mode of disposal of the drugs. These two have been interpreted by the Supreme Court in its judgment in *Mohanlal (supra)*. The Court has formulated guidelines in this regard.

2. It is stated that pursuant to the directions issued by the Supreme Court, the Home Department of the Government of Orissa formed Drugs Disposal Committees (DDCs) for every district by a Notification dated 29<sup>th</sup> December, 2016, which was later modified by a Notification dated 23<sup>rd</sup> May, 2017.

3. The grievance is that despite the concerned Investigating Officers (IOs) filing applications under Section 52-A of the NDPS Act before the Special Courts, orders are not being passed thereon except in a lone case being the Balasore Special Case No.221 of 2020 before the learned Special Judge, Balasore. Annexure-3 to the petition gives a list of pending applications in the various districts, which are yet to be disposed of. As an illustration, the Petitioner has enclosed as Annexure-4 series to the petition, a copy of an application filed under

Section 52-A (2) of the NDPS Act before the Sessions Judge-cum-Special Judge, Khurda at Bhubaneswar, which has been pending since 16<sup>th</sup> November, 2020. It is pointed out that subsequent certification by learned Magistrate is yet to be made in the case.

4. The Petitioner has highlighted a few difficulties faced in the implementation of Section 52-A of the NDPS Act and the guidelines issued by the Supreme Court in *Mohanlal (supra)*. Some of these issues read as under:

i. When certification of the drugs, required to be disposed of, is to be made by any Magistrate, no specified list of Magistrates, to carry out the work has been prepared till now;

ii. In absence of any specified/notified Magistrates, the respective IOs are placing the inventories before the jurisdictional Special Courts, for certification under section 52A(2), finding no other alternatives;

iii. The jurisdictional Special Courts have not been directed specifically to empower any of the Magistrates to carry out the job of certification as required under section 52A(2);

iv. As the samples of drugs, drawn under sub-section-2 of section 52A and certified by the Magistrates, is to be treated as a primary evidence, by the learned Court, trying an offence under the Act, as stated in section 52A(4), the very process of certification might be considered as quite delicate and hence the learned Special Courts might be under a state of confusion in absence of any specified directions;”

5. The purpose of the present petition is to persuade this Court to exercise the power of superintendence over the Special Courts to achieve the purpose of the statute and ensure that the disposal of the drugs in terms of the guidelines issued in *Mohanlal (supra)* takes place within a definite time frame. In response to the notice issued in the

petition, the Opposite Party initially filed an affidavit dated 16<sup>th</sup> November, 2021 not countering the actual aspects or even the need for urgent directions. A note of suggestions was filed on behalf of the State on 6<sup>th</sup> December, 2021 followed by two convenience notes—one by the Opposite Party and the other by the State on 22<sup>nd</sup> December, 2021. The thrust of submissions by the State is that confusion has been created by Section 52-A requiring certification by the ‘Magistrate’ whereas the power to take cognizance of the offences is with the Special Courts in view of Section 36-A (1)(d) of the NDPS Act. The power to order remand has also been vested with the Special Court under Section 36-A (1)(c) of the NDPS Act. It was accordingly submitted on behalf of the State that the word ‘Magistrate’ should be read as ‘Special Court’ in order to avoid any anomalies in the implementation of the guidelines in *Mohanlal (supra)*.

6. As far as the Opposite Party is concerned, the contention seems to be that the language of Section 52-A (2) envisages the Magistrate to whom an application is made, to allow the application as soon as possible since under Section 52-A (3) of the NDPS Act, no discretion in that regard is left with the Magistrate. According to the Opposite Party, the constitution of Special Courts under Section 36 of the NDPS Act and certification of the correctness of the inventory under Section 52-A (2) of the NDPS Act, 1985 “are altogether two different aspects.”

7. The NDPS Act, 1985 came into force on 14<sup>th</sup> November, 1985 and has since undergone several amendments. Among the earlier amendments brought about by the Amending Act of 1988 (Act No.2 of 1989), provisions were inserted to provide for “pre-trial disposal of seized drugs”. As a result, Section 52-A of the NDPS Act titled

“Disposal of seized narcotic drugs and psychotropic substances” was inserted in the NDPS Act. However, with passage of time, it was realized that not much was happening. In 2014, further amendments were made to Section 52-A of the NDPS Act, which now reads as under:

**“52-A. Disposal of seized narcotic drugs and psychotropic substances.—**

(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraints of proper storage space or any other relevant considerations, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, 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) Where any narcotic drugs, psychotropic substances, controlled substances or conveyances has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53, the officer referred to in sub-section (1) shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the [narcotic drugs, psychotropic substances, controlled substances or conveyances] or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs, psychotropic substances, controlled substances or conveyances in any proceedings under this Act and make an application, to any Magistrate for the purpose of-

- (a) certifying the correctness of the inventory so prepared; or
- (b) taking, in the presence of such Magistrate, photographs of such drugs, substances or conveyances and certifying such photographs as true; or
- (c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn.
- (3) Where an application is made under sub-section (2), the Magistrate shall, as soon as may be, allow the application.
- (4) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), every court trying an offence under this Act, shall treat the inventory, the photographs of narcotic drugs, psychotropic substances, controlled substances or conveyances and any list of samples drawn under sub-section (2) and certified by the Magistrate, as primary evidence in respect of such offence.”

8. The above provision came up for interpretation before the Supreme Court in *Mohanlal (supra)*. The said judgment took note of the fact that although a Standing Order No.1 of 1989 dated 13<sup>th</sup> June, 1989 has been issued to prescribe the procedure to be followed for seizure, sampling, safe keeping and disposal of the seized drugs, narcotics and psychotropic substances and making it mandatory that they should be stored in “safes and vaults” provided with a double-locking system and that designated godowns for storage of contraband should be placed under gazetted officers of the enforcement agency, the general tendency was to keep all the seized contraband in Malkhanas of police stations specific to Odisha. It was reported to the Supreme Court that there were no storage facilities for seized NDPS substances. In response to a query as to the steps taken at the time of storage to determine the nature

and quantity of the substances being stored and measures to prevent substitution and pilferage from stores, the Odisha Government responded as under:

“Seized drugs are sealed in such a manner as to minimize the chances of pilferage. After producing the seized goods with permission of court the drugs are deposited in Malkhana in sealed condition with proper entry and under the custody of Malkhana Officer.”

9. Even as regards the steps being taken at the time of destruction to determine the nature and quantity of the substances being destroyed, the Supreme Court found that the report submitted by the State Governments gave “varying answers”. It was observed as under:

“...The reports suggest as if adequate steps are taken to prevent damage, loss, pilferage and tampering/substitution of the narcotic drugs and psychotropic substances from the point of search to the point of destruction but there is no uniformity or standard procedure prescribed or followed in that regard.”

10. On analyzing Section 52-A of the NDPS Act, the Supreme Court observed as under:

“16. Sub-section (3) of Section 52A requires that the Magistrate shall as soon as may be allow the application. This implies that no sooner the seizure is effected and the contraband forwarded to the officer-in-charge of the police station or the officer empowered, the officer concerned is in law duty-bound to approach the Magistrate for the purposes mentioned above including grant of permission to draw representative samples in his presence, which samples will then be enlisted and the correctness of the list of samples so drawn certified by the Magistrate. In other words, the process of drawing of samples has to be in the presence and under the supervision of the Magistrate and the entire exercise has to be certified by him to be correct.”

11. It was noted that although the Standing Order issued by the Central Government required sample to be taken at the time of seizure, there was no provision in the NDPS Act itself to that effect. On the contrary, Section 52-A (4) of the NDPS Act envisaged the samples being drawn and certified by the Magistrate in compliance with Section 52-A (2) and (3) of the NDPS Act. According to the Supreme Court, it was the Central Government which had to dispel the confusion. Nevertheless, the Supreme Court was clear that the entire process could not brook any delay. It was observed as under:

“...There is in our opinion no manner of doubt that the seizure of the contraband must be followed by an application for drawing of samples and certification as contemplated under the Act. There is equally no doubt that the process of making any such application and resultant sampling and certification cannot be left to the whims of the officers concerned. The scheme of the Act in general and Section 52A in particular, does not brook any delay in the matter of making of an application or the drawing of samples and certification. While we see no room for prescribing or reading a time-frame into the provision, we are of the view that an application for sampling and certification ought to be made without undue delay and the Magistrate on receipt of any such application will be expected to attend to the application and do the needful, within a reasonable period and without any undue delay or procrastination as is mandated by sub-section (3) of Section 52A (supra). We hope and trust that the High Courts will keep a close watch on the performance of the Magistrates in this regard and through the Magistrates on the agencies that are dealing with the menace of drugs which has taken alarming dimensions in this country partly because of the ineffective and lackadaisical enforcement of the laws and procedures and cavalier manner in which the agencies and at times Magistracy in this country addresses a problem of such serious dimensions.”



12. Thus, the expectation of the Supreme Court was that the Magistrates entrusted with the responsibility under Section 52-A would act without delay and further that the High Court would keep a close watch on the performance of the Magistrates. On the three aspects that the Supreme Court was concerned with in *Mohanlal (supra)* viz., (i) seizure and sampling of narcotic drugs and psychotropic substances, (ii) the storage and (iii) their destruction, the following detailed directions were issued:

“31.1. No sooner the seizure of any narcotic drugs and psychotropic and controlled substances and conveyances is effected, the same shall be forwarded to the officer in charge of the nearest police station or to the officer empowered under Section 53 of the Act. The officer concerned shall then approach the Magistrate with an application under Section 52A(2) of the Act, which shall be allowed by the Magistrate as soon as may be required under sub-section (3) of Section 52A, as discussed by us in the body of this judgment under the heading “seizure and sampling”. The sampling shall be done under the supervision of the Magistrate as discussed in Paras 15 to 19 of this order.

31.2. The Central Government and its agencies and so also the State Governments shall within six months from today take appropriate steps to set up storage facilities for the exclusive storage of seized narcotic drugs and psychotropic and controlled substances and conveyances duly equipped with vaults and double-locking system to prevent theft, pilferage or replacement of the seized drugs. The Central Government and the State Governments shall also designate an officer each for their respective storage facility and provide for other steps, measures as stipulated in Standing Order No. 1 of 1989 to ensure proper security against theft, pilferage or replacement of the seized drugs.

31.3. The Central Government and the State Governments shall be free to set up a storage facility for each district in the States and depending upon the extent of seizure and store required, one storage facility for more than one districts.

31.4. Disposal of the seized drugs currently lying in the Police Malkhanas and other places used for storage shall be carried out by the DDCs concerned in terms of the directions issued by us in the body of this judgment under the heading “disposal of drugs”.

32. Keeping in view the importance of the subject we request the Chief Justices of the High Courts concerned to appoint a Committee of Judges on the administrative side to supervise and monitor progress made by the respective States in regard to the compliance with the above directions and wherever necessary, to issue appropriate directions for a speedy action on the administrative and even on the judicial side in public interest wherever considered necessary.”

13. On the specific topic of disposal of narcotic drugs, psychotropic substances, controlled substances and conveyances, the Supreme Court in para 30 of the *Mohanlal (supra)* categorized them as “1. Cases where the trial is concluded and proceedings in appeal/revision have all concluded finally prior to 29<sup>th</sup> May, 1989; 2. Drugs that are seized after May 1989 and where the trial and appeal and revision have also been finally disposed of; and 3. Cases in which the proceedings are still pending before the Courts at the level of trial court, appellate court or before the Supreme Court.”

14. Following the decision in *Mohanlal (supra)*, the Special Task Force, Orissa Police, Bhubaneswar issued a circular dated 26<sup>th</sup> April, 2016 reproducing the directions of the Supreme Court *inter alia* substituting references to the earlier Central Government Notification dated 10<sup>th</sup> May, 2007 with another one dated 16<sup>th</sup> January 2015, which prescribed the procedure for disposal of seized controlled substances and conveyances. As already noted pursuant to the above judgment, the

Home Department, Government of Orissa issued a Notification dated 23<sup>rd</sup> May, 2017 constituting DDCs in each district in Orissa under the Chairmanship of the SP with Members being the Superintendent of Excise, Deputy Collector as nominated by the Collector and the Deputy Superintendent of Police, Crime or any other DSP. Further, a High Level Drug Disposal Committee (HLDDC) was constituted by a Notification dated 10<sup>th</sup> May, 2007 for disposal of high valued substances.

15. Under Section 36-A, all offences under the NDPS Act are triable by the Special Courts constituted under Section 36. Under Section 36(3) of the NDPS Act, a person will not be qualified for appointment as Judge of the Special Court unless he is, immediately before such appointment, “a Sessions Judge or an Additional Sessions Judge.” Section 36-A (3) of the NDPS Act provides that so far as the special powers of the High Court regarding bail under Section 439 of the CrPC is concerned, the word ‘Magistrate’ used in Section 439 is to be read as ‘Special Court’ constituted under Section 36 of the NDPS Act.

16. The contention of the Petitioner-State as advanced by Mr. J. Katikia, learned Additional Government Advocate, and as reiterated in their written submissions, is that for the purpose of Section 52A(2) to (4) of the NDPS Act, this Court should interpret the word 'Magistrate' to read as 'Special Court' since in any event it is only the 'Special Court' that has been entrusted the power under the NDPS Act to take cognizance of the offences committed and to try all the offences thereunder. It was submitted that the directions issued by the Supreme Court of India in *Mohanlal* (*supra*) to the Chief Justices of the High Courts to pass appropriate directions on the administrative side should

also be understood as directions on the 'judicial side' and if so done, it would speed up the taking of samples and verification.

17. The above contention of the Petitioner-State in fact is based the 'Mischief Rule' in the law relating to interpretation of statutes. Accordingly, Mr. Katkia places reliance on the decisions of the Supreme Court in *M. Pentiah v. Muddala Veeramallapp*, AIR 1961 SC 1107 as well as *A. R. Antulay v. Ramdas Srinivas Nayak* (1984) 2 SCC 500, *State of Tamil Nadu v. V. Krishnaswami Naidu* (1979) 4 SCC 5 and *Bangaru Laxman v. State* (2012) 1 SCC 500.

18. The question that arises, therefore, for consideration is whether under Section 52-A (2) read with (3) the power in regard to preparation of inventory and allowing applications for disposal of the seized narcotic drugs which is vested on the 'Magistrate', can be interpreted to be exercised by the Special Court constituted under Section 36 of the NDPS Act, 1985?

19. Having carefully considered the above contention, this Court is not persuaded to accept it particularly in view of the judgment of the Supreme Court in *Mohanlal* (*supra*), which interprets Section 52-A of the NDPS Act.

20. It is seen that apart from *Mohanlal* (*supra*) there were earlier decisions of the Supreme Court which appear to have reiterated the above interpretation as emanating from a plain reading of Section 52A(4) of the NDPS Act. In *State of Punjab v. Makhan Chand* (2004) 3 SCC 453, it was held as under:

"10. This contention too has no substance for two reasons. Firstly, Section 51A, as the marginal

note indicates, deals with "disposal of seized narcotic drugs and psychotropic substances". Under Sub-section (1), the Central Government, by a notification in the Official Gazette, is empowered to specify certain narcotic drugs or psychotropic substance's having regard to the hazardous nature, vulnerability to theft, substitution, constraints of proper storage space and such other relevant considerations, so that even if they are material objects seized in a criminal case, they could be disposed of after following the procedure prescribed in Sub-sections (2) & (3). If the procedure prescribed in Sub-sections (2) & (3) of Section 52A is complied with and upon an application, the Magistrate issues the certificate contemplated by Sub-section (2), then Sub-section (4) provides that, notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, such inventory, photographs of narcotic drugs or substances and any list of samples drawn under Sub-section (2) of Section 52A as certified by the Magistrate, would be treated as primary evidence in respect of the offence. Therefore, Section 52A(1) does not empower the Central Government to lay down the procedure for search of an accused, but only deals with the disposal of seized narcotic drugs and psychotropic substances."

21. In *Noor Aga v. State of Punjab (2008) 16 SCC 417*, it was observed as under:

"92. Omission on the part of the prosecution to produce evidence in this behalf must be linked with second important piece of physical evidence that the bulk quantity of heroin allegedly recovered indisputably has also not been produced in court. Respondents contended that the same had been destroyed. However, on what authority it was done is not clear. Law requires that such an authority must flow from an order passed by the Magistrate. Such an order whereupon reliance has been placed is

Exhibit PJ; on a bare perusal whereof, it is apparent that at no point of time any prayer had been made for destruction of the said goods or disposal thereof otherwise. What was necessary was a certificate envisaged under Section 110(1B) of the 1962 Act. An order was required to be passed under the aforementioned provision providing for authentication, inventory etc. The same does not contain within its mandate any direction as regards destruction.

93. The only course of action the prosecution should have resorted to is to obtain an order from the competent court of Magistrate as envisaged under Section 52A of the Act in terms whereof the officer empowered under Section 53 upon preparation of an inventory of narcotic drugs containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs or psychotropic substances or the packing in which they are packed, country of origin and other particulars as he may consider relevant to the identity of the narcotic drugs or psychotropic substances in any proceedings thereunder make an application for any or all of the following purposes :

"(a) Certifying correctness of the inventory so prepared; or

(b) Taking, in the presence of such Magistrate, photographs substances and certifying such photographs as true; or

(c) Allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn."

Sub-section (3) of Section 52A of the Act provides that as and when such an application is made, the Magistrate may, as soon as may be, allow the

application. The reason wherefor such a provision is made would be evident from sub-section (4) of Section 52A which reads as under:

.....

Concededly neither any such application was filed nor any such order was passed. Even no notice has been given to the accused before such alleged destruction.

94. We must also notice a distinction between Section 110(1B) of the 1962 Act and Section 52A(2) of the Act as sub-section (4) thereof, namely, that the former does not contain any provision like sub-section (4) of Section 52A. It is of some importance to notice that paragraph 3.9 of the Standing Order requires pre-trial disposal of drugs to be obtained in terms of Section 52A of the Act."

22. Even after the decision in *Mohanlal (supra)*, more recently in *Union of India v. Jarooparam (2018) 4 SCC 334*, it was held as under:

"10. Omission on the part of the prosecution to produce the bulk quantity of seized opium would create a doubt in the mind of Court on the genuineness of the samples drawn and marked as A, B, C, D, E, F from the allegedly seized contraband. However, the simple argument that the same had been destroyed, cannot be accepted as it is not clear that on what authority it was done. Law requires that such an authority must flow from an order passed by the Magistrate. On a bare perusal of the record, it is apparent that at no point of time any prayer had been made by the prosecution for destruction of the said opium or disposal thereof otherwise. The only course of action the prosecution should have resorted to is to for its disposal is to obtain an order from the competent Court of Magistrate as envisaged under Section 52A of the Act. It is explicitly made under the Act that as and when such an application is made, the Magistrate may, as soon as may be, allow the application "

23. The legislative intent being clear and the decisions of the Supreme Court having consistently interpreted Section 52 A (2) to (4) in the manner indicated hereinabove, there is no scope for invoking ‘mischief rule’ to read the word ‘Magistrate’ in the above provision as ‘Special Court’. It is further seen that in **Bangaru Laxman** (*supra*) it was held that the expression ‘Magistrate’ would include a ‘Special Judge’ only for the purpose of grant of pardon under Section 306 CrPC. The observation in **V. Krishnaswami Naidu** (*supra*) that the Magistrate defined under Section 3(32) of the General Clauses Act includes a Special Judge for the purposes of remand under Section 167 CrPC is also for that limited purpose. Section 36-A to 36-C of the NDPS Act which specifies the powers of the Special Judge do not expressly state that such Special Judge can exercise the powers of the Magistrate for the purposes of Section 52-A (2) to (4) NDPS Act. Therefore, it is not possible for this Court to direct that the powers exercisable by the Magistrate under Section 52-A of the NDPS Act could be exercised by the Special Judge under Section 36 of the NDPS Act.

24. Before concluding, the Court would like to note that there have been decisions of the learned Single Judges of this Court on the subject of release of vehicles seized after being found carrying the narcotic drugs. In **Jitendra Kumar Digal v. State of Odisha** by judgment dated 22<sup>nd</sup> October 2020 in Criminal Revision No. 281 of 2020, it was held that when the accused is the owner of the seized vehicle carrying the narcotic goods, the vehicle should not be released in his favour.

It is clarified that the directions issued in the present judgment would prevail hereafter.



***Concluding directions***

25. Nevertheless, in order to speed up the process under Section 52-A (2) to (4) NDPS Act, the following directions are issued:

(i) All pending applications shown in Annexure-3 to the petition shall be taken up forthwith by a FirstClass Magistrate specifically nominated in each of the respective districts by the District and Sessions Judge, who will deal with such applications exclusively on all working Saturdays of the month till the entire backlog is cleared. If the number of such pending cases is large in a particular district, the concerned District and Sessions Judge will nominate more than one Magistrate for that purpose who will take up the applications likewise.

(ii) All such applications will be taken up chronologically with the oldest applications being listed first. Of course, wherever the urgent directions are required because of the possibility of the seized substances deteriorating, such applications can be taken up out of turn for reasons to be recorded in writing by the concerned Magistrate.

(iii) There shall be strict compliance with the guidelines issued by the Supreme Court of India in ***Mohanlal*** (*supra*). All the applications under Section 52-A (2) to (4) NDPS Act pending before the learned Magistrates in the different judgements in Odisha should be disposed of within a period of three months from today i.e. in any event on or before 1<sup>st</sup> May, 2022 and all fresh applications filed hereafter will be endeavoured to be disposed of within a period of ten days from the date of their filing.

(iv) The State Forensic Science Laboratory (FSL) is requested to cooperate with the concerned Magistrates' Courts for the purposes of the implementation of the above directions in a time bound manner and correspondingly submit the test result reports to the concerned Courts within a period of two weeks of the receipt of the samples sent hereafter. As regards pending samples, the State FSL will clear the backlog and send their reports to the concerned Courts within a period of two months from today and in any event not later than 1<sup>st</sup> April, 2022.

(v) On receipt of the test report, the Magistrate shall complete the remaining part of the exercise of taking photographs/videograph (of not more than 1 minute duration) that reveal the dimensions of the seized conveyance from all angles in digital format and encrypting them with the hash value in the presence of counsel for the parties within ten days from the date of receipt of the test report. In this regard, the Registry of the High Court will communicate to each District Judge, the detailed Standard Operating Procedure (SoP) and this part of the direction will take effect immediately after the receipt of the SoP by the District Judge. The Registry of the High Court is requested to circulate to all the District Judges, the detailed SoP to be followed by each of the Magistrates.

(vi) A monthly statement on the disposal of all such applications will be submitted to the concerned District Judge by the Magistrates and in turn such monthly statement should be forwarded simultaneously to the corresponding HLDDC and the Committee constituted by the Chief Justice of the High Court of Odisha on the administrative side. Both the HLDDC as well as the High Court Committee will meet with fair regularity to monitor implementation of these directions on the

administrative side and call for an explanation from the concerned Magistrate if there is an inordinate delay in disposal of the application.

26. The High Court Committee will place before this Court a status report as regards the implementation of the above directions by the next date.

27. List on 25<sup>th</sup> April, 2022 for directions. Copies of this order be delivered forthwith to each of the District Judges in whose jurisdiction the applications mentioned in Annexure-3 are pending, to the corresponding HLDDCs and to the Director, State FSL forthwith for compliance.

28. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25<sup>th</sup> March, 2020, modified by Notice No.4798, dated 15<sup>th</sup> April, 2021, and Court's Office Order circulated vide Memo Nos. No.514 and 515 dated 7<sup>th</sup> January, 2022.

**(S. Muralidhar)**  
**Chief Justice**

**(A. K. Mohapatra)**  
**Judge**

*M.Panda*