

IO CHECK LIST under NDPS Act

Sl. No	Particulars	Yes	No/why No
	<u>Search, Field Testing and Seizure</u>		
1	Was the information recorded in writing by him?(If he has received some information-Section 42 (1) of the NDPS Act)		
2	Was his belief and the ground that search authorization cannot be obtained without affording opportunity for concealment of evidence or facility for escape of the offender, recorded in writing by him? (If he is proceeding to search premises without search authorization between sunset to sunrise Proviso to Section 42 (1) of the NDPS Act)		
3	Was his belief and the ground that search authorization cannot be obtained without affording opportunity for concealment of evidence or facility for escape of the offender, recorded in writing by him? (If he is proceeding to search premises without search authorization between sunset to sunrise Proviso to Section 42 (1) of the NDPS Act)		
4	Was a copy of the said document as at 1 or 2, as applicable, sent to his official superior within 72 hours? (Section 42(2) of the NDPS Act)		
5	Was the copy of Search Authorization shown and signatures of two independent local witnesses and the owner/occupier available in the premises at the time of search procured thereon? (In case, the search of premises is carried out on the strength of a Search Authorization)		

6	Did the search team offer their own personal search by the owner/occupier of the premises before beginning the search of the premises?		
7	Was a written notice under Section 50 of the NDPS Act served on the occupants of the premises or on the person who is intercepted at a public place? (This is a must if a person is given a body search and is not necessary if only the premises is searched or if the bag, brief case, etc. in the possession of the person is only searched) Was the response to such a notice recorded in writing thereon?		
8	Was a lady officer present in the search team to ensure that a female is searched by a female? (Section 50(4) of the NDPS Act)		
9	Was the reason to believe that the person about to be searched will part possession of drugs and other incriminating articles hence could not be taken to such officers, recorded in writing? (The person about to be searched for suspected possession of drugs and other incriminating articles can exercise his legal right to be searched before a Magistrate or a Gazetted Officer, as provided in Section 50 (1) of the NDPS Act. If the DLEO has a reason to believe that the suspect will part with possession of drugs and other incriminating articles, he may decide not to take him to such officers and, instead, search himself as provided in Section 50 (5) of the NDPS Act)		
10	Was the copy of the document, as at 8, sent to his immediate superior within 72 hours? (Section 50 (6) of the NDPS Act)		
11	Were all recovered suspect substances field tested with Drug Detection Kits/Precursor Testing Kits and the		

	matching colour results to show presence of NDPS or CS and was it all documented?		
12	Were all the recovered documents, articles or things scrutinised/examined to determine their relevance to the commission of offence and importance to the inquiries under the Act?		
13	Were all recovered and relevant items liable to seizure and confiscation entered carefully in an inventory and documented in the Panchanama?		
14	Were all the goods, documents, articles, things and assets found relevant to the commission of offence and subsequent investigations, recovered during search, seized and the fact of seizure documented in the Panchanama?		
	<u>Drawal of Samples</u>		
15	Was a set of two representative samples drawn from each package or lot (if bunching was made into lots of 40 in case of Ganja & Hashish and 10, in case of other drugs) of the suspect seized substances on the spot?		
16	Was it ensured that the representative samples are of specified weights? (24 gms each in case of opium, Ganja and Charas and 5 gms each in case of all others)		
17	Were all the packages including the representative samples properly packed, marked and sealed? (For easy reference, the parent package or lot can be marked as P1 or L1 and the two sets of samples as S01 and SD1 and so on. Samples should be kept in heat sealed plastic pouches which may be kept in paper envelopes before marking and sealing)		
18	Was Test Memo prepared in triplicate on the spot and the		

	facsimile imprint of the seal, used in sealing the sample envelopes, affixed on the Test Memo?		
19	Was the Panchanama/seizure memo/mahazar drawn carefully on the spot and correctly indicating the sequence of events including start and end time of the search proceedings?		
20	Was it ensured that the Panchanama and all the recovered/seized documents/articles/things bears signatures of the person whose premises was searched or from whom the recovery was made, two independent witnesses, the IO and the lady officer if during the proceedings a lady was searched?		
21	Was a notice to examine the owner/occupant and recovery witnesses under Section 67 of the NDPS Act issued and their statements recorded by the IO ?		
	<u>Arrests</u>		
22	Was a written Arrest Memo informing of the arrest and grounds of arrest prepared, in respect of persons arrested?		
23	Was the arrest made in the presence of a witness and his signature obtained on the Arrest Memo?		
24	Was the fact of arrest informed to one relative or friend of the person who was arrested and the same endorsed on the arrest memo to this effect?		
25	Were the details of arrest shared with the SHO, Police Station in whose jurisdiction the normal place of residence of the arrested person falls?		

	(Points 21 to 24 are some of the guidelines prescribed by the Hon'ble Supreme Court of India in Re. Govt. of West Bengal Vs D.K. Basu)		
26	<p>If the arrested person is a foreign national, were his arrest details shared with:</p> <p>(i) The Joint Secretary, CPV Division, MEA, Patiala House, New Delhi</p> <p>(ii) Ministry of Home Affairs, Foreigners Division, No.26 Man Singh Road, Jaisalmer House, New Delhi</p>		
27	Was the arrested person produced before a magistrate within 24 hours of his arrest?		
28	Was a report of seizure and arrest sent to the immediate superior within 48 hrs of seizure/ arrest as required under Section 57 of the NDPS Act?		
	<u>Chain of Custody of Seized Drugs and Precursors</u>		
29	Were the seized goods and samples deposited in the Malkhana at the earliest opportunity after seizure, and acknowledgement receipt obtained from the Malkhana-in-Charge?		
30	<p>Were the samples sent to the designated laboratory for analysis and report within 72 hours of seizure?</p> <p>(Samples to be sent to CRCL in case of Customs and other agencies under Ministry of Finance; CFSL for police and other agencies under MHA and State FSLs for police and other state agencies)</p>		

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with reference Prepared by: Mahesh V. Vaidya Law Officer Jr. SP Office Gadag 9449243110

Mahesh Vaidya