

BOMBAY DRUGS (CONTROL) CONFISCATED ARTICLES (DISPOSAL) (GUJARAT) RULES, 1961

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1. Short title :-

These rules may be called the Bombay Drugs (Control) Confiscated Articles (Disposal) (Gujarat) Rules, 1961.

2. Definition :-

"Article" includes an animal confiscated under the Act.

3. Confiscated articles to be made over to the Collector :-

Subject to the provisions of the Bombay Drugs (Control) Act, 1959 when any article is duly confiscated either by an order of a Court or otherwise, such article shall be made over to the Collector for disposal or shall be disposed of under the orders of the Collector, according to the rules hereinafter contained.

4. Drugs :-

All confiscated drugs if they are in sealed bottles or In other receptacles, the contents of which may reasonably be believed not to have been tampered with, shall be disposed of by public auction subject to the condition that the bidder is lawfully entitled to possess and sell them. If no bid is received in auction they shall be destroyed, if they are not required by the Director or Medical

Services, Gujarat State, Ahmedabad, for use at any of the Government hospitals or dispensaries in the State of Gujarat. All other confiscated drug or drugs which are not of the nature, substance or quality which they purport to be shall be destroyed.

5. Other articles :-

All confiscated articles other than drugs shall unless otherwise directed by the Director of Prohibition and Excise, Gujarat State, in any particular case, be put up to auction and sold to the highest bidder, but if there is no bid they shall be destroyed.

6. Destruction of article to be in presence of responsible officer :-

Where any confiscated article has to be destroyed in conformity with these rules, it shall be destroyed in the presence of the Magistrate or Officer ordering the confiscation, as the case may be, or in the presence of the Superintendent of Prohibition and Excise, or the District Inspector of Prohibition and Excise as the case may be, or any other Prohibition and Excise Officer who may be deputed for the purpose.

7. Disposal to be deferred till period of appeal has expired except in certain cases :-

The sale or disposal of confiscated articles, shall be deferred till the period of appeal against the order of the Court, Director, Collector, or any other officer ordering confiscation has expired or, if an appeal is made against such order, till the appeal be finally disposed off:

Provided that-

(a) in the case of any confiscated animal the sale shall not be so deferred unless the owner thereof deposits with the Collector such sum as that officer deems to be sufficient for the keeping of such animal till the end of the period required for preferring an appeal or till the disposal of such appeal, as the case may be,

(b) where the article confiscated be liable to speedy and natural decay, or if the disposal thereof would be for the benefit of the owner, the article may be sold immediately, if the sale of such article is not advantageous to the owner, the Collector may direct it to be destroyed.

8. Procedure to be adopted if order of confiscation be reversed :-

If an order of confiscation of any drug or other articles be reversed on appeal, such drug or article or the sale proceeds thereof and the balance of the amount, if any deposited for keeping for safe custody thereof after deduction of the expenditure incurred in its maintenance shall be returned to the owner thereof or his authorised agent. If no one appears within two months from the date of the order on appeal to claim such drug or article or the sale proceeds thereof, the same shall be handed over to the Police for disposal in accordance with the provisions of S.82 of the Code of Criminal Procedure, 1898 to Section 88 of the Bombay Police Act, 1951 of the Bombay Police Act, 1951.