

## **MAHARASHTRA DRUGS (CONTROL) CONFISCATED ARTICLES (DISPOSAL) RULES, 1962**

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## **MAHARASHTRA DRUGS (CONTROL) CONFISCATED ARTICLES (DISPOSAL) RULES, 1962**

WHEREAS Government considers that the following rules should be brought into force at once ; Now, therefore, in exercise of the powers conferred by clause (n) of sub-section (2) of Section 40 of the Bombay Drugs (Control) Act, 1959 (Bom. XI of 1960) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely

### **1. Short Title :-**

These rules may be called the Maharashtra Drugs (Control) Confiscated Articles (Disposal) Rules, 1962.

### **2. Confiscated articles to be made over to the Collector :-**

Subject to the provisions of Sections 24 and 25 of the Bombay Drugs (Control) Act, 1959, when any notified drug or any thing liable to confiscation under the Act is duly confiscated either by any order of a Court or otherwise, such notified drug or thing shall be made over to the Collector for disposal or disposed of under the orders of the Collector, according to the rules hereinafter contained.

### **3. Drugs Confiscated drugs and their disposal. :-**

(1) All confiscated notified 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 in the following manner, that is to say :-

(a) Such notified drugs shall be disposed of by public auction after fixing a reserve price in parity with the ordinary local price of such notified drug and sold to the highest bidder provided that the bidder is lawfully entitled to possess and sell them.

(b) If no adequate bid is received in auction, they shall be destroyed, if they are not required by the Surgeon General with the Government of Maharashtra for use at any of the Government hospitals, or dispensaries in the State of Maharashtra.

(2) All other confiscated drugs which are not of the nature, substance or quality which they purport to be, shall be destroyed.

**4. Other articles :-**

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

**5. Destruction of articles to be in the presence of responsible officer :-**

Whenever 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.

**6. Disposal to be deferred till period of appeal has expired except incertain 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, the appeal be finally disposed of:

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

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

If an order of confiscation of any notified drug or other thing be reserved on appeal, such drug or thing 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 duly authorised agent. If no one appears within two months from the date of the order on appeal to claim such drug or thing or the sale proceeds thereof, the same shall be handed over to the Police for disposal in accordance with the provisions of Sections 82 to 88 of the Bombay Police Act, 1951.