



MEGHALAYA STATE JUDICIAL ACADEMY

TRAINING PROGRAMME ON NARCOTICS AND PSYCHOTROPIC SUBSTANCES AND QUALITATIVE DISPOSAL OF NDPS CASES

DATE : 27.02.2021

SESSIONS	TIMING	TOPICS	RESOURCE PERSON
	9:45AM - 10:00 AM	WELCOME SPEECH	
I	10:00AM - 11:00 AM	<p>Overview of the scheme of the NDPS Act: Role of courts to combat Drug related offences</p> <p><u>PROPOSED SCOPE OF DISCUSSION</u></p> <ul style="list-style-type: none"> Illicit traffic and drug abuse Scope of NDPS coverts Obligations under international conventions on NDPS 	<p>Dr. J.N. Barowalia Academian & Former District & Sessions Judge: Former Principal Secretary (Law) Himachal Pradesh</p>
11:00 AM - 11:15 AM ----- TEA BREAK -----			
II	11:15AM - 12:15 PM	<p>Determination of Drug quality by court: Issue and challenges</p> <p><u>PROPOSED SCOPE OF DISCUSSION</u></p> <ul style="list-style-type: none"> 2009 Notification: Small quantity and commercial quantity Purity of Narcotics v. total weight Lower threshold for Pharmaceutical drugs <p>Case: E. Micheal Raj-vs-Narcotics Control Bureau: Weight of the active drug ingredient should be considered not the whole substance</p>	<p>Shri. Abdul Mabood, Public Prosecutor/ Government Pleader and Special Public Prosecutor in some Custom cases, Ri-Bhoi District, Nongpoh</p>
III	12:15 PM - 1:15PM	<p>Trial, Bail and remand provisions in NDPS</p> <p><u>PROPOSED SCOPE OF DISCUSSION</u></p> <ul style="list-style-type: none"> Interpretation of reasonable grounds of Bail Importance of Cross Examination <p>Case: Ashkar vs State of Kerela: Bail application may be allowed if the arrested person did not posses commercial quantity of Psychotropic substance</p>	<p>Dr. J.N. Barowalia Academian & Former District & Sessions Judge: Former Principal Secretary (Law) Himachal Pradesh</p>
1:15 PM - 2:00 PM ----- LUNCH BREAK -----			
IV	2:00 PM - 3:00 PM	<p>Judicial Scrutiny of investigation provisions relating to Search and Seizure vis -a- vis NDPS Act</p> <p><u>PROPOSED SCOPE OF DISCUSSION</u></p> <ul style="list-style-type: none"> Power of search and seizure without warrant Power to stop and search conveyance Search: Power and precaution Judicial scrutiny of investigation 	<p>Shri. Anil Pathak, Superintendent of Customs, Meghalaya</p>
V	3:00 PM - 4:00 PM	<p>Reverse burden of proof vis-a vis presumption of 'Culpable Mental State' etc under NDPS Act</p> <p><u>PROPOSED SCOPE OF DISCUSSION</u></p> <ul style="list-style-type: none"> Presumption of 'Culpable Mental State' Proof beyond reasonable doubt <p>Case: Hanif Khan @ Annu Khan v. Central Bureau of Narcotics: Reverse burden of proof does not absolve the prosecution from establishing a prima facie case</p>	<p>Dr. J.N. Barowalia Academian & Former District & Sessions Judge: Former Principal Secretary (Law) Himachal Pradesh</p>
4:00 PM- 4:15 PM ----- CLOSING SESSIONS -----			