

The
DANGEROUS DRUGS
ACT
(II OF 1930)

[1st March, 1930]

An Act to centralise and vest in the Federal Government the control over certain operations relating to dangerous drugs and to increase and render uniform throughout Pakistan the penalties for offences relating to such operations

Preamble: Whereas India participated in the Second International Opium Conference, which was convoked in accordance with the resolution of the Assembly of the League of Nations, dated the 27th day of September, 1923, met at Geneva on the 17th day of November, 1924, and on the 19th day of February, 1925, adopted the Convention relating to Dangerous Drugs (hereinafter referred to as the Geneva Convention);

And whereas India was State signatory to the said Geneva Convention;

And whereas the Contracting Parties to the said Geneva Convention resolved to take further measures to suppress the contraband traffic and abuse of Dangerous Drugs, especially those derived from opium, Indian hemp and coca leaf, such measures being more particularly set forth in the Articles of the Geneva Convention;

And whereas for the effective carrying out of the said measures it is expedient that the control of certain operations relating to Dangerous Drugs should be centralised and vested in the Federal Government;

And whereas it is also expedient that the penalties for certain offences relating to Dangerous Drugs should be increased, and that all penalties relating to certain operations should be rendered uniform throughout Pakistan; it is hereby enacted as follows:-

53

CHAPTER I

1. Short title
be called the Danger
(2) It extends
(3) It shall c
Government may by

2. Definition
in the subject or con

(a) "assets" n

(i) all forms
movable c
personal p

(ii) property
the comm

(iii) all kinds
any corpo

(iv) all docum
situated,
Governm

(aa) "coca lea

(i) the leaf a
Erythro
novogran
species o
by notifi
plants for

(ii) any mixt
does not
0.1 per c

(b) "coca de

(i) crude co
used, dir

(ii) ecgonine
formula
ecgonine

Amended by tl

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement:** (1) This Act may be called the Dangerous Drugs Act, 1930.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Federal Government may by notification in the official Gazette, appoint.

2. **Definitions:** In this Act, unless there is anything repugnant in the subject or context,-

(a) "assets" means all proceeds and includes-

(i) all forms of property, whether corporeal or incorporeal, movable or immovable, tangible or intangible, real estate or personal property of every description;

(ii) property used or intended to be used to commit, or to abet the commission of an offence punishable under Chapter III;

(iii) all kinds of shares or interest in a public stock or fund or in any corporate body, company or society; and

(iv) all documents of title to land, goods or property, wherever situated, money or valuable security issued by any Government.]

(aa) "coca leaf" means-

(i) the leaf and young twigs of any coca plant, that is, of the *Erythroxylon coca* (Lamk) and their *Erythroxylon novogranatense* (Hiern) and their varieties, and of any other species of this genus which the Federal Government may, by notification in the official Gazette declare to be coca plants for the purposes of this Act; and

(ii) any mixture thereof, with or without natural materials; but does not include any preparation containing not more than 0.1 per cent, of cocaine;

(b) "coca derivative" means-

(i) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(ii) ecgonine, that is laevo-ecgonine having the chemical formula $C_9H_{15}NO_3 \cdot H_2O$, and all derivatives of laevo-ecgonine from which it can be recovered;

Amended by the Dangerous Drugs (Amendment) Act, V of 1987.

[1st March, 1930]

Government the
gerous drugs and to
istan the penalties
ations.

Second International
accordance with the
ions, dated the 27th
the 17th day of
, 1925, adopted the
after referred to as

the said Geneva

the said Geneva
to suppress the
s, especially those
ch measures being
veva Convention;

the said measures it
tions relating to
d in the Federal

alties for certain
ased, and that all
ended uniform

- (ii) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking, and the dross or other residue remaining after opium is smoked;
 - (iii) morphine, that is, the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_3$ and its salts;
 - (iv) diacetylmorphine, that is, the alkaloid, also known as diamorphine or heroin, having the chemical formula $C_{21}H_{23}NO_5$ and its salts; and
 - (v) all preparations official and non-official containing more than 0.2 per cent. of morphine, or containing any diacetylmorphine;
- (g) "manufactured drug" includes-
- (i) all coca derivatives, medicinal hemp, opium derivatives, charas in any form and any mixture of stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis Sativa* L.), and
 - (ii) any other narcotic substance which the Federal Government may, by notification in the official Gazette made in pursuance of a recommendation under Article 10 of the Geneva Convention, in pursuance of any international convention supplementing the Geneva Convention, declare to be a manufactured drug;

but does not include any preparation which the Federal Government may, by notification in the official Gazette made in pursuance of a finding under Article 8 of the Geneva Convention, declare not to be a manufactured drug;

- (h) "dangerous drug" includes coca leaf, hemp and opium, and all manufactured drugs;
- [(hh) "proceeds" means any property generated from drug trafficking by the accused, whether before or after his arrest under this Act;]
- (i) "to import into Pakistan" means to bring into Pakistan by land, sea or air across any of the customs frontiers defined by the Federal Government and includes the bringing into any port or place in Pakistan of a dangerous drug intended to be taken out of Pakistan without being removed from the ship or conveyance in which it is being carried;

Subs. by the Act, XLVIII of 1975.

Clause (hh) Inst. by the Dangerous Drugs (Amendment) Act, V of 1987.

- (ii) "tracing" means finding out the true nature, source, disposition, movement or ownership of assets and includes determining the movement or conversion of assets by any means, and "trace" shall be construed accordingly];
- (j) "to import inter-provincially" means to bring into a Province otherwise than across any of the said customs frontiers;
- (k) "to export from Pakistan" means to take out of Pakistan by land, sea or air across any of the said custom frontiers;
- (l) "to export inter-provincially" means to take out of a Province otherwise than across any of the said customs frontiers;
- (m) "to transport" means to take from one place to another in the same province.

COMMENTS

Hemp: Definition of hemp is wide enough to include within its ambit "Hashish".⁵

3. Calculation of percentages in liquid preparations: The Federal Government may make rules prescribing the method by which percentages in the cases of liquid preparation shall be calculated for the purposes of clauses (a), (b), (e) and (f) of Section 2.

Provided that, unless and until such rules are made, such percentages shall be calculated on the basis that a preparation in containing one per cent. of a substance means a preparation in which one gramme of the substance if a solid, or one millilitre of the substance, if a liquid, is contained in every one hundred millilitres of the preparation, and so in proportion for any greater or less percentage.

CHAPTER II

PROHIBITION AND CONTROL

- 4. Prohibition of certain operations:** (1) No one shall-
- (a) cultivate any coca plant, or gather any portion of a coca plant.

⁵ Clause (ii) Inst. by the Dangerous Drugs (Amendment) Act, V of 1987.

⁶ Ins. by the Dangerous Drugs (Amendment) Ordinance, XXXIII of 1983, Sec.2 (c).

⁷ P L D 1989 S C 519.

(b) manufact
prepared
consump

(c) import in
prepared

[(d) possess |
opium or

(e) traffic in
[.....] c

Provided that
coca plant or to th
Government.

(2) The Pro
regulating the man
lawfully possessed

**5. Control
supply of opium:**

(a) cultivate

(b) manufac

save in accordance
conditions of any
to obtain under the

(2) The Fe
regulating the cul
the manufacture o
conditions of lic
authorities by whi
be charged theref
the control of th
manufacture.

(3) The Fe
and regulating th
export or to Provi

**6. Contro
manufactured dr**

Ins. By the D
1983, Sec. 2^a

Omitted the
Act, XV of 19

Omitted the
Act, XV of 19

- (b) manufacture or possess prepared opium, unless it is prepared from opium lawfully possessed for the consumption of the person so possessing it.
- (c) import into Pakistan, export from Pakistan, tranship or sell prepared opium.
- [(d) possess hereoin or cocaine in excess of ten grams "[....] opium or coca leaf in excess of one kilogram, or
- (e) traffic in, or finance the trafficking of, heroin or cocaine or "[.....] opium or coca leaf:]

Provided that this section shall not apply to the cultivation of any coca plant or to the gathering of any portion thereof on behalf of the Government.

(2) The Provincial Government may make rules restricting and regulating the manufacture and possession of prepared opium which is lawfully possessed (b) of sub-section (1).

5. Control of Federal Government over production and supply of opium: No one shall-

- (a) cultivate the poppy (*Papaver somniferum* L), or
- (b) manufacture opium,

save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Federal Government may make rules permitting and regulating the cultivation of the poppy (*Papaver somniferum* L.) and the manufacture of opium, and such rules may prescribe the form and conditions of licences for such cultivation and manufacture, the authorities by which such licences may be granted, the fees that may be charged therefor, and any other matter requisite to render effective the control of the Federal Government over such cultivation and manufacture.

(3) The Federal Government may also make rules permitting and regulating the sale of opium from Government factories for export or to Provincial Government or to manufacturing chemists.

6. Control of Federal Government over manufacture of manufactured drugs:(1) No one shall manufacture any manufactured

⁸ Ins. By the Dangerous Drugs (Amendment) Ordinance, XXXIII of 1983, Sec. 20.

⁹ Omitted the word "raw" by the Dangerous Drugs (Amendment) Act, XV of 1994.

¹⁰ Omitted the word "raw" by the Dangerous Drugs (Amendment) Act, XV of 1994.

drug, other than prepared opium, save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Federal Government may make rules permitting and regulating the manufacture of manufactured drugs, other than prepared opium, and such rules may prescribe the form and conditions of licences for such manufacture, the authorities by which such licences may be granted and the fees that may be charged therefor, and any other matter requisite or render effective the control of the Federal Government over such manufacture.

(3) Nothing in this section shall apply to the manufacture of medicinal opium or of preparations containing morphine, diacetylmorphine or cocaine from materials which the maker is lawfully entitled to possess.

7. Control of Federal Government over operations at land and sea frontiers: (1) No one shall-

- (a) import into Pakistan,
- (b) export from Pakistan, or
- (c) tranship

any dangerous drug, other than prepared opium, save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Federal Government may make rules permitting and regulating the import into, and export from Pakistan and the transhipment of dangerous drugs, other than prepared opium, and such rules may prescribe the ports or places at which any kind of dangerous drug may be imported, exported or transhipped, the form and conditions of licences for such import, export or transhipment, the authorities by which such licences may be granted, the fees that may be charged therefore, and any other matter requisite to render effective the control of the Federal Government over such import, export and transhipment.

8. Control of Provincial Government over internal traffic in manufactured drugs and coca leaf: (1) No one shall-

- (a) import or export inter-provincially, transport, possess or sell any manufactured drug other than prepared opium, or coca leaf, or
- (b) manufacture medicinal opium or any preparation containing morphine, diacetylmorphine or cocaine.

save in accordance with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Federal Government may make rules permitting and regulating the manufacture of manufactured drugs, other than prepared opium, and such rules may prescribe the form and conditions of licences for such manufacture, the authorities by which such licences may be granted and the fees that may be charged therefor, and any other matter requisite or render effective the control of the Federal Government over such manufacture.

(a) the import into, and export from Pakistan, or

(b) the transhipment of any dangerous drug, other than prepared opium, save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(3) Nothing in this section shall apply to the manufacture of medicinal opium or of preparations containing morphine, diacetylmorphine or cocaine from materials which the maker is lawfully entitled to possess.

Such rules may be made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(3) The Federal Government may make rules permitting and regulating the import into, and export from Pakistan and the transhipment of dangerous drugs, other than prepared opium, and such rules may prescribe the ports or places at which any kind of dangerous drug may be imported, exported or transhipped, the form and conditions of licences for such import, export or transhipment, the authorities by which such licences may be granted, the fees that may be charged therefore, and any other matter requisite to render effective the control of the Federal Government over such import, export and transhipment.

Provide for the control of the Federal Government over such import, export and transhipment.

to any person who is not a citizen of Pakistan.

9. C

dealings in

trade where

supplied to

conditions

Provincial

CHAPTER

10. I

(a) c

(b) f

(c) i

save in accordance with rules made under sub-section (2) and with the conditions of any licence for that purpose which he may be required to obtain under those rules.

(2) The Provincial Government may make rules permitting and regulating-

- (a) the inter-provincial import and export into and from the territories under its administration, the transport, possession and sale of manufacture drugs, other than prepared opium, and of coca leaf, and
- (b) the manufacture of medicinal opium of any preparation containing morphine, diacetylmorphine or cocaine from materials which the maker is lawfully entitled to possess.

Such rules may prescribe the form and conditions of licences for such import, export, transport, possession, sale and manufacture, the authorities by which such licences may be granted and the fees that may be charged therefore, and any other matters requisite to render effective the control of the Provincial Government over such import, export, transport, possession, sale and manufacture.

(3) Save insofar as may be expressly provided in rules made under sub-section (2), nothing in this section shall apply to manufactured drugs which are the property and in the possession of Government;

Provided that such drugs shall not be sold or otherwise delivered to any person who, under the rules made by the Provincial Government under this section, is not entitled to their possession.

9. Control of Provincial Government over external dealings in dangerous drugs: No one shall engage in or control any trade whereby a dangerous drug is obtained outside Pakistan, and supplied to any person outside Pakistan save in accordance with the conditions of a licence granted by and at the discretion of the Provincial Government.

CHAPTER III

OFFENCES AND PENALTIES

- 10. Punishment for contravention of Section 4:** (1) Whoever-
- (a) cultivates any coca plant or gathers any portion of a coca plant,
 - (b) manufactures or possesses prepared opium otherwise than as permitted under Section 4, or
 - (c) imports into Pakistan, exports from Pakistan, tranships or sells prepared opium,

shall be punished with imprisonment which may extend to two years, or with fine, or with both:

Provided that this section shall not apply to the cultivation of any coca plant or to the gathering of any portion thereof on behalf of the Government.

(2) Whoever—

- (a) Possesses heroin or cocaine in excess of ten grams or opium or coca leaf in excess of one kilogram shall be punished with imprisonment for life or with imprisonment which shall not be less than two years, and shall also be liable to fine; and
- (b) traffics in, or finances the trafficking of, heroin or cocaine or opium or coca leaf shall be punished with death or with imprisonment for life or with imprisonment which shall not be less than five years, and shall also be liable to fine.]

11. Punishment for contravention of Section 5: Whoever, in contravention of Section 5, or any rule made under that section, or of any condition of a licence granted thereunder:

- (a) cultivates the poppy, or
- (b) manufactures opium,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

12. Punishment for contravention of Section 6: Whoever, in contravention of Section 6, or any rule made under that section or any condition of a licence granted thereunder, manufactures any manufactured drug, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

13. Punishment for contravention of Section 7: Whoever, in contravention of Section 7, or any rule made under that section, or any condition of a licence granted thereunder—

- (a) imports into Pakistan,
- (b) exports from Pakistan; or
- (c) tranships,

any dangerous drug, shall be punished with [death or with imprisonment for life], and shall also be liable to fine.

¹¹ Sub-Sec. (2) substituted by the Dangerous Drugs (Amendment) Act, XV of 1994.

¹² Subs. by the Dangerous Drugs (Amendment) Act, XV of 1994.

Trial by the
could be tried by the

14. Punish
contravention of
any condition of

(a) impo
or se

(b) manu
conta

shall be punish
shall also be lia

15. Puni
commission of
having the use
or place, know
other person o
Section 13, or
may extend to

16.
previous con
offence, punish
guilty of any o
subject for eve
imprisonment
liable to fine.

(2) Who
under Section
section, shall
imprisonment.

17. Ent
previous con
punishable
punishable
subsequent of
or to fine, or

P.L.D 198

Subs. by

Subs. by
of 1983,

COMMENTS

Trial by the Military Court: Offences under the Dangerous Drugs Act, 1930 could be tried by the Military Court.¹³

14. Punishment for contravention of Section 8: Whoever, in contravention of Section 8, or any rule made under that section, or any condition of a licence issued thereunder:

- (a) imports or exports inter-provincially, transports, possesses or sells any manufactured drugs or coca leaf; or
- (b) manufactures medicinal opium or any preparations containing morphine, diacetylmorphine or cocaine.

shall be punished with [death or with imprisonment for life], and shall also be liable to fine.

15. Punishment for allowing premises to be used for the commission of an offence: Whoever, being the owner or occupier of having the use of any house, room, enclosure, space, vessel, vehicle, or place, knowingly permits it to be used for the commission by any other person of an offence punishable under Section 10, Section 12, Section 13, or Section 14, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

16. Enhanced punishment for certain offences after previous conviction: (1) Whoever, having been convicted of an offence punishable under Section 10, Section 13, or Section 14, is guilty of any offence punishable under any of those sections, shall be subject for every such subsequent offence to imprisonment for life or imprisonment which is not less than four years, and shall also be liable to fine.

(2) Whoever, having been convicted of an offence punishable under Section 12, is guilty of any offence punishable under that section, shall be subject for every such subsequent offence to imprisonment which may extend to four years, or to fine, or to both.]

17. Enhanced punishment for offence under Section 15 after previous conviction: Whoever, having been convicted of an offence punishable under Section 15, is again guilty of an offence punishable under that section, shall be subject for every such subsequent offence to imprisonment which may extend to four years, or to fine, or to both.

¹³ P L D 1989 Kar 572.

¹⁴ Subs. by the Dangerous Drugs (Amendment) Act, XV of 1994.

¹⁵ Subs. by the Dangerous Drugs (Amendment) Ordinance, XXXIII of 1983, S.4.

18. Security for abstaining from commission of certain offences: (1) Whenever any person is convicted of an offence punishable under Section 10, Section 12, Section 13, or Section 14, and the Court convicting him is of opinion that it is necessary to require such person to execute a bond for abstaining from the commission of offences punishable under those sections the Court may, at the time of passing sentence on such person order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offences during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in the form contained in Schedule I, and the provisions of the Code of Criminal Procedure, 1898, shall, insofar as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under Section 106 of that Code.

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by an Appellate Court, or by the High Court when exercising its powers of revision.

19. Penalty for contravention of Section 9: Whoever engages in or controls any trade whereby a dangerous drug is obtained outside Pakistan and supplied to any person outside Pakistan, otherwise than in accordance with the conditions of a licence granted under Section 9, shall be punished with fine which may extend to one thousand rupees.

20. Attempts: Whoever attempts to commit an offence punishable under this chapter, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence shall be punished with the punishment provided for the offence.

21. Abetments: (1) Whoever abets an offence punishable under this Chapter shall, whether such offence be or be not committed in consequence of such abetment, and notwithstanding contained in Section 116 of the Pakistan Penal Code, be punished with the punishment provided for the offence.

(2) A person abets an offence within the meaning of this section who, in Pakistan, abets the commission of any act in a place without and beyond Pakistan which-

- (a) would constitute an offence if committed within Pakistan; or
- (b) under the laws of such place, is an offence relating to dangerous drugs having all the legal conditions required to

Martial
offence under
provided for
for the said o

CHAPTER

22.

officer au
Magistrate
specially
may issue
to believe
or for the
or place
respect of
committed

(2)

is address
Section 2

23.

warrant:
Customs
constable
an office
Chairman
personal
taken do
offence
conceale
sunrise

(a)

(b)

PL

constitute it such an offence the same as of analogous to the legal conditions required to constitute it an offence punishable under this Chapter, if committed within Pakistan.

COMMENTS

Martial Law Regulation, 1977: Person who is guilty of abetment of an offence under the Dangerous Drugs Act, 1930 will be liable to punishment which is provided for the offence itself. Provisions of other law providing lesser punishment for the said offence cannot be applied.¹⁶

CHAPTER IV

PROCEDURE

22. Power to issue warrants:(1) The Collector, or other officer authorised by the Provincial Government in this behalf, or a Magistrate of the First Class, or a Magistrate of the Second Class specially empowered by the Provincial Government in this behalf, may issue a warrant for the arrest of any person whom he has reason to believe to have committed an offence punishable under Chapter III, or for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe any dangerous drug in respect of which an offence punishable under Chapter III has been committed is kept or concealed.

(2) The officer to whom a search warrant under sub-section (1) is addressed shall have all the powers of an officer acting under Section 23.

23. Power of entry, searches, seizure, and arrest without warrant:(1) Any officer of the department of Excise, Police, Customs, Salt, Opium, or Revenue, superior in rank to a peon or constable, authorised in this behalf by the Provincial Government or an officer of the Pakistan Narcotics Central Board authorised by the Chairman of the Board in this behalf who has reason to believe, from personal knowledge or from information given by any person and taken down in writing, that any dangerous drug in respect of such an offence punishable under Chapter III has been committed is kept or concealed in any building, vessel or enclosed place, may, between sunrise and sunset,-

- (a) enter into any such building, vessel or place;
- (b) in case of resistance, break open any door and remove any other obstacle to such entry;

¹⁶ P L D 1989 Kar. 572.

- (c) seize such drug and all materials used in the manufacture thereof and any other article which he has reason to believe to be liable to confiscation under Section 33 and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug; and
- (d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to have committed an offence punishable under Chapter III relating to such drug.

Provided that if such officer has reason to believe that a search warrant cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may enter and search such building, vessel or enclosed place at any time between sunset and sunrise, after recording the grounds of his belief.

(2) Where an officer takes down any information in writing under sub-section (1), or records grounds for his belief under the proviso thereto, he shall forthwith send a copy thereof to his immediate official superior.

[(3) Any officer referred to in sub-section (1) may, after obtaining approval in writing from his senior officer authorised by the head of the department concerned, trace the assets of a person who has committed an offence punishable under Chapter III and may, for this purpose, require a bank or other financial institution to furnish such information as he may specify.]

Explanation: In this section and Sections 29 and 30, Pakistan Narcotica Control Board means the Pakistan Narcotics Control Board reconstituted under the Government of Pakistan Planning Division, Resolution, dated the 8th March, 1973.

24. Power of seizure and arrest in public places: Any officer of any of the departments mentioned in Section 23 may—

- (a) seize, in any public place or in transit, any dangerous drug in respect of which he has reason to believe an offence punishable under Chapter III has been committed, and, alongwith such drug, any other article liable to confiscation under S:33, and any document or other article which he has reason to believe may furnish evidence of the commission of an offence punishable under Chapter III relating to such drug;

¹⁷ Sub-section (3) added by the Dangerous Drugs (Amendment) Act, V of 1987.

(b) del
to
an
po
un

25. M
the Code of
are not inco
all warrant
sections

26. O
of the sever
given or re
carrying ou

27. R
makes any
hours next
particulars

28. I
arrest: An

(a)

(b)

(c)

29.

Every per
Section 2
the warra
under Se
the office
of the Ex
of a pers
Narcotic
Chairman

(2)

forwarde

- (b) detain and search any person whom he has reason to believe to have committed an offence punishable under Chapter III, and, if such person has any dangerous drug in his possession and such possession appears to him to be unlawful, arrest him and any other persons in his company.

25. Mode of making searches and arrest: The provisions of the Code of Criminal Procedure, 1898, shall apply, insofar as they are not inconsistent with the provisions of Sections 22, 23 and 24, to all warrants issued and arrests and searches made under those sections.

26. Obligations on officers to assist each other: All officers of the several departments mentioned in Section 23 shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.

27. Report of arrests and seizures: Whenever any person makes any arrest or seizure under this Act, he shall, within forty-eight hours next after such arrest or seizure, make full report of all the particulars of such arrest or seizure to his immediate official superior.

28. Punishment for vexatious entry, search, seizure or arrest: Any person empowered under Section 23 or Section 24 who—

- (a) without reasonable grounds of suspicion, enters or searches, or causes to be entered or searched, or causes to be entered or searched, any building, vessel or place;
- (b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any dangerous drug or other article liable to be confiscated under Section 33, or of seizing any document or other article liable to seizure under Section 23 or Section 24; or
- (c) vexatiously and unnecessarily detains, searches or arrests any person; shall be punished with fine which may extend to five hundred rupees.

29. Disposal of persons arrested and of articles seized: (1) Every person arrested and articles seized under a warrant issued under Section 22 shall be forwarded without delay to the authority by whom the warrant was issued; and every person arrested and article seized under Section 23 or Section 24 shall be forwarded without delay to the officer-in-charge of the nearest police station or the nearest officer of the Excise Department empowered under Section 33 or, in the case of a person arrested or article seized by an officer of the Pakistan Narcotics Control Board, to an officer of the Board authorised by the Chairman thereof.

(2) The authority or officer to whom any person or article is forwarded under this section shall, with all convenient despatch, take

such measures as may be necessary for the disposal according to law of such person or article.

30. Power to invest Excise Officers with powers of an officer-in-charge of a police station: The Provincial Government may invest any officer of the Excise Department or any class of such officers, and the Federal Government may invest any officer of the Pakistan Narcotics Control Board or any class of such officers, with the powers of an officer-in-charge of a police station for the investigation of offences under this Act.

"NOTIFICATION

Investment of Powers of Officer-in-charge of police station-S.R.O. 829/1/75: In exercise of the powers conferred by Section 30 of the Dangerous Drugs Act, 1930 (II of 1930), the Federal Government is pleased to invest all the Enforcement Staff of the Pakistan Narcotics Control Board, not below the rank of a Field Investigating Officer with powers of an officer-in-charge of a police station for the investigation of offences under the said Act, within their respective jurisdictions."

31. Jurisdiction to try offences: No Magistrate shall try an offence under this Act unless he is a Magistrate of the First Class, or a Magistrate of the Second Class specially empowered by the appropriate Government in this behalf.

In this section "the appropriate Government" means as respects any contravention of any rules which under this Act fall to be made by the Provincial Government, that Government, and in other cases, the Federal Government.

32. Presumption from possession of illicit article: In trials under this Act it may be presumed, unless and until the contrary is proved, that the accused has committed an offence under Chapter III in respect of-

- (a) any dangerous drug;
- (b) any poppy or coca plant growing on any land which he has cultivated;
- (c) any apparatus specially designed or any group of utensils specially adapted for the manufacture of any dangerous drug;
- (d) any materials which have undergone any process towards the manufacture of a dangerous drug, or any residue left of the materials from which a dangerous drug has been manufactured.

for the possession of which he fails to account satisfactorily.

33. Liability for any offence under Chapter III: the danger which or by it he liable to con

(2) Any manufactured, dangerous drug, the receptacle drug, material section (1) i receptacles or conveyances confiscation:

Provided shall be liable thereof, knew be committed

34. Pro offences under the Court shall liable to con article is so l

(2) WI liable to con the offence in the Collect Government and may ord

Provided until the exp hearing any if any, which

Provided drug is liable other officer owner, he n this sub-sect proceeds of

(3) A has been cc Session aga

33. Liability of illicit articles to confiscation: (1) Whenever any offence has been committed which is punishable under Chapter III, the dangerous drug materials, apparatus and utensils in respect of which or by means of which such offence has been committed, shall be liable to confiscation.

(2) Any dangerous drug lawfully imported, transported, manufactured, possessed, or sold along with, or in addition to, any dangerous drug which is liable to confiscation under sub-sec. (1), and the receptacles, packages and coverings in which any dangerous drug, materials, apparatus or utensils liable to confiscation under sub-section (1) is found, and the other contents, if any, of such receptacles or packages, and the animals, vehicles, vessels and other conveyances used in carrying the same, shall likewise be liable to confiscation:

Provided that no animal, vehicle, vessel or other conveyance shall be liable to confiscation unless it is proved that the owner thereof knew that the offence was being, or was to be or was likely to be committed.

34. Procedure in making confiscations: (1) In the trial of offences under this Act, whether the accused is convicted or acquitted the Court shall decide whether any article seized under this Chapter is liable to confiscation under Section 33; and if it decides that the article is so liable, it may order confiscation accordingly.

(2) Where any article seized under this Chapter appears to be liable to confiscation under Section 33, but the person who committed the offence in connection therewith is not known or cannot be found, the Collector or other officer authorised by the Provincial Government in this behalf, may inquire into and decide such liability, and may order confiscation accordingly:

Provided that no order of confiscation of an article shall be made until the expiry of one month from the date of seizure, or without hearing any person who may claim any right thereto and the evidence, if any, which he produces in respect of his claim:

Provided further, that, if any such article, other than a dangerous drug, is liable to speedy and natural decay, or if the Collector or other officer is of opinion that its sale would be for the benefit of its owner, he may at any time direct it to be sold; and the provisions of this sub-section shall, as nearly as may be practicable, apply to the net proceeds of the sale.

(3) Any person not convicted who claims any right to property has been confiscated under this section may appeal to the Court of Session against the order of confiscation.

35. Power to make rules regulating disposal of confiscated articles and rewards: In connection with offences against rules which under this Act fall to be made by the Provincial Government, the Provincial Government, and in connection with other offences, the Federal Government, may make rules to regulate-

- (a) the disposal of all articles confiscated under this Act; and
- (b) the rewards to be paid to officers, informers and other persons out of the proceeds of fines and confiscation under this Act.

CHAPTER IV-A

POWER OF THE COURT

35-A. Power of the Court to freeze assets: A Court trying an offence punishable under Chapter III may, if there appear reasonable grounds for believing that the accused has committed such an offence order the freezing of his assets.

35-B. Presumption as to the assets being liable to forfeiture: If in a trial of an offence punishable under Chapter III it is proved that the assets of the accused or any part thereof were or was acquired during or after the commission of the offence and that there was no other likely source of acquiring the assets or such part, it shall be presumed, unless the contrary is proved, that the assets or such part or is liable to forfeiture.

35-C. Court to order forfeiture of assets: When any person found guilty of an offence punishable under Chapter III is sentenced to imprisonment ¹⁸[a term for two years or more], the Court shall also order that his assets shall stand forfeited to the Federal Government and impose on him a sentence of fine which shall not be less than twice the value of the assets.]

CHAPTER V

MISCELLANEOUS

36. PROVISIONS REGARDING RULES: (1) All rules made under this Act shall be subject to the condition of previous publication.

(2) Rules made under this Act shall be published in the official Gazette.

¹⁸ Chapter IV-A added by the Dangerous Drugs (Amendment) Act, V of 1987.

¹⁹ Subs. by the Dangerous Drugs (Amendment) Act, XV of 1994.

37. - Re any licence recovered from his surety (if

(2) W this Act, give performance performance the meaning breach of th therein as t recovered fr of land reve

38. A and restrict Pakistan, E dangerous d imposed in provisions e

Provide punishable in this sub under this A

39. S or in the enactment of any rule imposed by degree than on the cor Pakistan.

(2) M affect the v

Provide punishable in this sub under this

40. Schedule

Subs. XXVII

37. Recovery of sums due to Government: (1) Any arrear of any licence fee chargeable by any rule made under this Act may be recovered from the person primarily liable to pay the same or from his surety (if any) as if it were an arrear of land-revenue.

(2) When any person, in compliance with any rule made under this Act, gives a bond (other than a bond under Section 18) for the performance of any act, or for his abstention from any act such performance or abstention shall be deemed to be a public duty, within the meaning of Section 74 of the Contract Act, 1872; and, upon breach of the conditions of such bond by him, the whole sum named therein as the amount to be paid in case of such breach may be recovered from him or from his surety (if any) as if it were an arrear of land revenue.

38. Application of the Customs Act, 1969: All prohibitions and restrictions imposed by or under this Act or the import into Pakistan, the export from Pakistan, and the transshipment of dangerous drugs, shall be deemed to be prohibitions and restrictions imposed under the [Customs Act, 1969 (IV of 1969)] and the provisions of that Act shall apply accordingly:

Provided that, where the doing of any thing is an offence punishable under that Act and under this Act, nothing in that Act or in this sub-section shall prevent the offender from being punished under this Act.

39. Saving of local and special laws: (1) Nothing in this Act, or in the rules made thereunder shall affect the validity of any enactment of a Provincial Assembly for the time being in force, or of any rule made thereunder, which imposes any restriction not imposed by or under this Act, or imposes a restriction greater in degree than a corresponding restriction imposed by or under this Act, on the consumption of or traffic in any dangerous drug within Pakistan.

(2) Nothing in this Act or in the rules made thereunder shall affect the validity of the Opium Act, 1857:

Provided that, where the doing of any thing is an offence punishable under that Act and under this Act, nothing in that Act or in this sub-section shall prevent the offender from being punished under this Act.

40. [Rep. by the Repealing Act, 1938 (I of 1938), Sec.2 and Schedule.]

²⁰ Subs. by the Federal Laws (Revision and Declaration) Ordinance, XXVII of 1981.

41. **Saving of things already done:** When anything done under any enactment specified in the first three columns of Schedule II is in force immediately prior to the commencement of this Act, it shall be deemed, as from the commencement of this Act, to have been done under this Act or under that enactment as hereby amended, as the case may require.

SCHEDULE I

Bond to abstain from the commission of offences under the Dangerous Drugs Act 1930

(See Section 18)

Whereas I (name), inhabitant of (place) have been called upon to enter into a bond to abstain from the commission of offences under Section 10, Section 12, Section 13 and Section 14, of the Dangerous Drugs Act, 1930, for the term of

I hereby bind myself not to commit any such offence during the said term and, in case of my making default therein, I hereby bind myself to forfeit Government the sum of rupees

Dated this day of 19

(Signature)

(Where a bond with sureties is to be executed, add-)

We do hereby declare ourselves Sureties for the abovenamed that he will abstain from the commission of offences under Section 10, Section 12, Section 13 and Section 14 of the Dangerous Drugs Act, 1930, during the said term; and, in case of his making default therein, we bind ourselves, jointly and severally to forfeit to Government, the sum of rupees

Dated this day of 19

(Signatures)

SCHEDULE II: [Rep. by the Repealing Act, 1938 (1 of 1938), S.2 and Schedule.]

No. Ex
1959): With
No. Ex. V/I/
West Pakist
of West Pak
section (2) c
to make the
1. SI
called the W
(2) T
2. D
requires the
hereby resp
(a) "
(b) "
the principa
(c) "
Governmer
Collector 0
in force;
(d)
Governmer
relating to
(e)
not below
Collector;
(f)
(g)
licence un
coca deriv
(h)
rules to d
medicinal
manufact
(i)
medical p
of medic: