

## SECTION 21 OF NDPS ACT

### INTRODUCTION

The narcotics drugs and psychotropic substance act,1985 was established by parliament that prohibits a person the production/manufacturing/cultivation, possession, sale , purchasing, transport, storage, and/or consumption of any drugs or psychotropic substance .

With the arrest of Aryan khan drugs smuggling has again become a burning topic in India . before 1985 India had no regulations controlling the flow of psychotropic substances in the market. But gradually after the increment in smuggling and supply of drugs in India Rajiv Gandhi government brought the anti drugs rule.

Recently On December 21, the Parliament passed a bill to rectify errors that had crept into the Narcotic Drugs and Psychotropic Substances Act, 1985. The rectification will be followed by another amendment as the Centre is working to decriminalise personal consumption of small quantities of drugs, narcotics and psychotropic substances<sup>1</sup>

In this article we will be dealing with section 21 of NDPS ACT,1985 .

Punishment for contravention in relation to manufactured drugs and preparations.—

Whoever, in contravention of any provision of this Act or any rule or order made or condition of licence granted there under, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any manufactured drug or any preparation containing any manufactured drug shall be punishable,—

(a) where the contravention involves small quantity, with rigorous imprisonment for a term which may extend to 4 [one year], or with fine which may extend to ten thousand rupees, or with both;

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<sup>1</sup> Economics time

(b) where the contravention involves quantity, lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to ten years, and with fine which may extend to one lakh rupees;

(c) where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years, and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees: Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees<sup>2</sup>.

## MEANING

SECTION 21 of NDPS ACT states that if

1. Any person
  - i. In contravention (disobeying the rule mentioned under this particular act)
  - ii. In any form whether condition of license, selling, manufacturing, possesses, purchases transports, import or export
2. Shall be punished accordingly (depending upon the quantity of the drugs)
3. If the contravention is of small quantity then he shall be liable for punishment of max. one year.
4. If the contravention is more than small quantity but less than commercial quantity then the imprisonment lies upto 10 years with fine of one lakh.
5. Where as if the quantity is commercial than the accused will be held liable for min 10 years but less than 20 years and fine upto one lakh and maximum of rupees 2 lakhs.

## OBJECTIVE

The objective behind this act is to

1. curb the smuggling of drugs

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<sup>2</sup> <https://legislative.gov.in/sites/default/files/A1985-61.pdf>

2. To provide a drug free nation
3. Punishment for those who infringe the law
4. People may not misuse the availability of drugs for essential commodities.

## CASE

Micheal raj v. narcotics control bureau<sup>3</sup>

In the present case the narcotic drug which was found in the possession of the appellant is 60 grams which is more than 5 gram that is the small quantity but less than 250 gram i.e commercial quantity therefore the appellant is punishable but it is clear from the evidence that the appellant is mere carrier and not a kingpin. Therefore under these circumstances the appellant was given a rigorous punishment of 6 years and 20,000 rupees fine.

## CONCLUSION.

This article was about section 21 of NDPS act which mentions about the punishment available for the perso who uses the quantity of drugs for any purpose n contravention to the above law.

This law starts with the term 'whoever' which means any person whether he is a citizen or a non citizen, therefore any person infringing the law and carrying more than the required amount as mentioned above, will be rigorously punished for the welfare and substantial development of the society.

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<sup>3</sup> <https://www.casemine.com/judgement/in/5609ae74e4b0149711413ef4>