

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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DRUG ADDICTION AND CRIME IN INDIA: A LEGAL AND SOCIO-CRIMINAL ANALYSIS

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Introduction

Walk into any sessions court in India today and chances are, a good number of cases on the board involve the NDPS Act. Drug-related crime has quietly become one of the most common categories of offences handled by our criminal justice system. And yet, we still tend to think of it as someone else's problem — something that happens in Punjab, or in certain pockets of big cities. That perception needs to change.

Drug addiction in India has long outgrown the label of a 'personal problem'. It is now closely tied to rising crime rates, strained law enforcement, and an overburdened judiciary. What makes this particularly difficult to deal with is that the relationship between addiction and crime is not one-directional. Addiction pushes people toward crime. And crime, in the form of trafficking networks, actively keeps addiction alive. The two feed each other.

The numbers tell a clear story. According to the National Crime Records Bureau, persons arrested under the NDPS Act jumped from 81,778 in 2018 to 1,44,812 in 2022. That is nearly a 77% rise in four years.¹ These are not just statistics. Behind each number is a person, often young, caught in a cycle that the law alone has not been able to break.

This article looks at drug addiction and crime from both a legal and social standpoint. The argument it makes is fairly straightforward: punishment alone will not solve this. We need a response that takes rehabilitation just as seriously as enforcement.

¹National Crime Records Bureau, Crime in India, 2022 Report; Ministry of Home Affairs, Government of India, Rajya Sabha Unstarred Question No. 1832 (December 11, 2024).

Understanding Drug Addiction

Before discussing law, it helps to understand what addiction actually is. Drug addiction is a chronic condition where a person becomes physically and psychologically dependent on substances like narcotics, psychotropic drugs, or alcohol. It is not simply a matter of weak willpower or poor character, even though it is often reduced to that in public discourse.

Over time, addiction hollows out a person's life. Financial ruin, broken families, job loss, mental health deterioration — these consequences pile up quickly. And as the person's situation worsens, the pull toward criminal activity grows stronger, either to fund the addiction or simply because judgment and self-control have been badly eroded.

This is where the law faces a genuine dilemma. Drug-related activity is criminalized, and rightly so in many cases. But the person standing in the dock is not always a trafficker or a dealer. Very often, they are someone who got hooked and could not find a way out. Treating such a person the same way as an organized criminal is both unjust and counterproductive. It fills prisons without fixing anything.

The Link Between Drug Addiction and Crime

The connection between addiction and crime plays out in three distinct ways, each requiring a different response from the legal system.

1. Crimes Caused by Addiction

This is perhaps the most common and most misunderstood category. People addicted to drugs often steal, commit fraud, or resort to petty crimes simply to get money for their next fix. These are not career criminals. The crime is a symptom of the addiction. Punishing the symptom without treating the cause is like jailing someone for coughing and calling it healthcare.

2. Drug-Related Crimes

This covers possession, trafficking, distribution and illegal manufacture — offences directly connected to drugs themselves. Unlike addiction-driven crimes, these are often profit-driven. The people involved here range from small-time local peddlers to large supply chain operators. The law treats them under the same Act, though the sentencing differs based on quantity.

3. Organized and Systemic Crime

At the top of the chain sit organized criminal networks. These groups control large-scale drug trafficking across state and national borders, and their operations extend into money laundering, political corruption, and violent crime. This is a threat to the state itself, not just to individuals. No single enforcement agency acting alone can meaningfully disrupt them.

Legal Framework in India

India's primary legislation on this subject is the Narcotic Drugs and Psychotropic Substances Act, 1985 — commonly known as the NDPS Act. It was enacted with two clear goals: controlling drug abuse and curbing illegal trafficking. Over the decades, it has been amended several times, generally in the direction of stricter enforcement.

Some of its key provisions are worth noting:

Section 8 lays down the core prohibition — production, possession, sale, purchase, and transport of narcotic drugs and psychotropic substances are all banned.²

Sections 21 and 22 prescribe punishments for possession and related offences, with sentences varying based on the quantity involved.³

Section 27 specifically deals with punishment for drug consumption — a provision that has often been criticized for treating users the same as offenders.⁴

Section 37 makes bail extremely difficult to obtain in serious NDPS cases. The accused has to show not just that the charges are false, but also that they are unlikely to reoffend — a very high bar.⁵

What often gets overlooked in discussions about the NDPS Act is Section 64A, which actually offers a way out for addicts. It grants immunity from prosecution to persons who voluntarily come forward and seek de-addiction treatment.⁶ This is a genuinely progressive provision. The problem is that very few people know about it, and fewer still make use of it. Awareness of this section needs to be actively promoted.

²Narcotic Drugs and Psychotropic Substances Act, 1985, Section 8.

³Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 21 and 22.

⁴Narcotic Drugs and Psychotropic Substances Act, 1985, Section 27.

⁵Narcotic Drugs and Psychotropic Substances Act, 1985, Section 37.

⁶Narcotic Drugs and Psychotropic Substances Act, 1985, Section 64A.

Constitutional Perspective

The constitutional angle on drug addiction is something that does not get enough attention. Article 21 of the Constitution guarantees the right to life and personal liberty.⁷ The Supreme Court has read into this right a whole range of entitlements — the right to health, the right to dignity, the right to live as a full human being. A person struggling with addiction is being denied all of these.

This creates a constitutional obligation on the State that goes well beyond making laws and arresting offenders. The State is also required to ensure that rehabilitation is available, that treatment is accessible, and that addiction is recognized as a health crisis rather than purely a moral failing. Ignoring this dimension is not just bad policy — it is arguably a constitutional failure.

Case Law Analysis

The courts have had to do a lot of heavy lifting when it comes to ensuring that the NDPS Act is not applied in ways that are grossly unfair. Three cases stand out in this regard.

State of Punjab v. Baldev Singh, (1999) 6 SCC 172

This was a Constitution Bench decision that dealt with the procedural requirements for search and seizure under the NDPS Act. The Court held that failure to follow the mandatory procedure could lead to acquittal, even if drugs were actually found.⁸ At first glance, this might seem like the law letting criminals walk free on technicalities. But the deeper principle is important: procedural safeguards exist precisely because law enforcement can and does make mistakes — or worse, plant evidence. The judgment keeps that check in place.

Mohan Lal v. State of Punjab, (2018) 17 SCC 627

Here, the Supreme Court ruled that the same police officer cannot be both the informant and the investigating officer in an NDPS case.⁹ This ruling directly addresses a real and common problem in drug case investigations — the risk of bias when the same person who initiates the case also controls how it is investigated. It is a straightforward fairness requirement, but one that had apparently been routinely ignored in practice.

⁷Constitution of India, Article 21.

⁸State of Punjab v. Baldev Singh, (1999) 6 SCC 172 (Supreme Court of India).

⁹Mohan Lal v. State of Punjab, (2018) 17 SCC 627 (Supreme Court of India).

Arjun Singh v. State of Haryana, 2004 Cri LJ 1185 (P&H)

This judgment from the Punjab and Haryana High Court emphasized that drug users and drug traffickers cannot be treated the same way under the law.¹⁰ This distinction is fundamental. A person who consumes drugs is primarily a victim. A person who traffics drugs for profit is an offender. Conflating the two leads to disproportionate punishment and undermines any rehabilitative goal the law might otherwise serve.

Challenges in Addressing Drug-Related Crime

Despite all the legislative and judicial developments, the ground reality remains troubling. Several practical challenges continue to limit the effectiveness of India's response to drug-related crime.

Relapse is probably the biggest one. Many people who undergo treatment and complete de-addiction programs go back to substance use within months. This is not a failure of character — it is a feature of addiction. Without strong follow-up support, counselling, and economic stability, recovery is extremely hard to sustain.

Then there is the sheer lack of rehabilitation infrastructure. India simply does not have enough de-addiction centres, especially outside major cities. In many districts, there is no facility at all. People who want help cannot access it. That gap needs to be urgently addressed.

The judicial backlog is another serious issue. NDPS cases pile up in courts for years, sometimes decades. The deterrent effect of the law weakens considerably when enforcement is this slow.¹¹ And finally, organized trafficking networks operate at a scale and sophistication that local police forces are simply not equipped to handle alone. Cross-border coordination is weak and inconsistent.

The Need for a Balanced Approach

It should be clear by now that treating drug addiction purely as a law and order problem is not working. The NDPS Act gives us strong tools for enforcement, and those tools are necessary. But enforcement without rehabilitation is like bailing out a sinking boat without plugging the

¹⁰Arjun Singh v. State of Haryana, 2004 Cri LJ 1185 (Punjab and Haryana High Court).

¹¹Balhara, Y.P.S., Sarkar, S. & Rajguru, A.J. (2024). Drug-related Offences in India: Observations and Insights from the Secondary Analysis of the NCRB Data. Indian Journal of Psychiatry.

hole.

A. Rehabilitation and Treatment

Addicts need access to medical care, counselling and structured support programs. This is not about being soft on crime. It is about recognizing that jailing someone with a medical condition, without treating that condition, solves nothing. They will come out of prison in the same or worse shape.

B. Strict Legal Enforcement

At the same time, traffickers and organized criminal groups must be dealt with firmly. They are not victims of addiction — they are profiting from it. Strong enforcement targeted specifically at this group is both justified and necessary.

C. Awareness and Prevention

Prevention, especially among teenagers and young adults, has to be a priority. School-based programs, community outreach, and accessible information about the risks of substance abuse can make a real difference if done consistently and not just as token gestures.

D. International Cooperation

Drug trafficking does not respect borders. India's northeast and northwest frontiers are particularly vulnerable entry points. Meaningful intelligence-sharing and coordinated operations with neighbouring countries and international agencies are not optional extras — they are basic requirements for any serious anti-trafficking strategy.

Conclusion

Drug addiction and crime are two sides of the same problem. You cannot address one while ignoring the other. India has a reasonably strong legal framework in the NDPS Act, and the judiciary has done its part in refining how the law is applied. But the law is only one piece of the puzzle.

The bigger challenge is social and political. We continue to criminalize addiction while underfunding treatment. We arrest users while traffickers operate relatively freely. We talk about rehabilitation but fail to build the infrastructure for it. Until these gaps are honestly

acknowledged and addressed, the cycle will keep repeating.

What is needed at the policy level is straightforward, even if it is not easy to implement. The Government must invest in significantly expanding de-addiction and rehabilitation centres, particularly in states that are most affected. Community-level programs involving local bodies, NGOs and primary healthcare workers need to be set up and properly funded. And the National Drug Demand Reduction Policy needs to be strengthened so that prevention and treatment get the same attention as enforcement — not less.

The law can punish. But it cannot heal. Both are needed, and it is time our response to drug addiction reflected that reality.

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