

CHARGES WITH SIX HEADS

[No. XXVII (II), SCHEDULE V, ACT V, 1808]

Sections 221, 222, 223, Code of Criminal Procedure.

I, (i) **Shri Manoj Kumar Prasad,**
Additional District & Sessions Judge, 3rd Court -cum-ADJ,
Special (NDPS) Court,
Balurghat, Dakshin Dinajpur.

hereby charge you

as follows:-

1. Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar, Prahallad Mandal @ Potol, Karam Barman, Prosenjit Shil and Muktarul @ Mukter Mia

Firstly---- That you 24.03.2018 at about 01.30 hrs at Nildanga Jatri Pratikhalay, under PS Gangarampur, Dist. Dakshin Dinajpur, Police personnel of Gangarampur PS apprehended Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar and Prahallad Mandal @ Potol and found that with the help of Karam Basfore, Prosenjit Shil and Muktarul @ Mukter Mia you all tried to smuggle 200 nos. of phensedyl bottles containing "Codeine phosphate" amounting to commercial quantity without any valid documents for the purpose of sell or transport and you all have thereby committed an offence punishable **U/S.21(c) of NDPS Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Secondly---- That you 24.03.2018 at about 01.30 hrs at Nildanga Jatri Pratikhalay, under PS Gangarampur, Dist. Dakshin Dinajpur, Police personnel of Gangarampur PS apprehended Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar and Prahallad Mandal @ Potol and found that with the help of Karam Basfore, Prosenjit Shil and Muktarul @ Mukter Mia you all tried to smuggle 200 nos. of phensedyl bottles containing "Codeine phosphate" amounting to commercial quantity without any valid documents for the purpose of sell or transport and you all have thereby committed an offence punishable **U/S.22(c) of NDPS Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Thirdly---- That you 24.03.2018 at about 01.30 hrs at Nildanga Jatri Pratikhalay, under PS Gangarampur, Dist. Dakshin Dinajpur, Police personnel of Gangarampur PS apprehended Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar and Prahallad Mandal @ Potol and found that with the help of Karam Basfore, Prosenjit Shil and Muktarul @ Mukter Mia you all tried to smuggle 200 nos. of phensedyl bottles containing "Codeine phosphate" amounting to commercial quantity without any valid documents for the purpose of transship, export or import and you have thereby committed an offence punishable **U/S.23(c) of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Fourthly---- That you 24.03.2018 at about 01.30 hrs at Nildanga Jatri Pratikhalay, under PS Gangarampur, Dist. Dakshin Dinajpur, Police personnel of Gangarampur PS apprehended Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar and Prahallad Mandal @ Potol and found that with the help of Karam Basfore, Prosenjit Shil and Muktarul @ Mukter Mia you all tried to smuggle 200 nos. of phensedyl bottles containing "Codeine phosphate" amounting to commercial quantity without any valid documents for the purpose of transship, export or import and you financed the said illicit traffic and you have thereby committed an offence punishable **U/S.27A of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Fifthly---- That you 24.03.2018 at about 01.30 hrs at Nildanga Jatri Pratikhalay, under PS Gangarampur, Dist. Dakshin Dinajpur, Police personnel of Gangarampur PS apprehended Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar and Prahallad Mandal @ Potol and found that with the help of Karam Basfore, Prosenjit Shil and Muktarul @ Mukter Mia you all tried to smuggle 200 nos. of phensedyl bottles containing "Codeine phosphate" amounting to commercial quantity thus you attempted to commit an offence punishable under the NDPS Act or to cause such offence to be committed and in such attempted did any an act, and you both have thereby committed an offence punishable **U/S.28 of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Sixthly----That you 24.03.2018 at about 01.30 hrs at Nildanga Jatri Pratikhalay, under PS Gangarampur, Dist. Dakshin Dinajpur, being a party to a criminal conspiracy to commit an offence punishable under the provision of NDPS Act and you all have thereby committed an offence punishable **u/s. 29 of the NDPS Act** and within my cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge.

The contents of the charges are read over and explained to the accused person in Bengali to which he pleads **not guilty** and claims to be tried.

Dated, the 14th day of August, 2025.

**Special Judge (under NDPS
ACT)-cum-ADJ, 3rd Court,
Balurghat, Dakshin
Dinajpur.**

In the Court of the Additional District & Sessions Judge, 3rd Court,
Dakshin Dinajpur at Balurghat
Special Case No.12 of 2018 (Computer Registration No.04/2018)
(Session Trial No. 63/2025) CNR No.WBDD01002159-2018.
Present : Manoj Kumar Prasad (J.O Code No.WB 00779).

Order No.01
14.08.2025

All accused persons namely **1. Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar, Prahallad Mandal @ Potol, Prosenjit Shil and Muktarul @ Mukter Mia** on bail are present by filing hazira.

Accused person namely **Karam Barman is** produced from J.C and remanded to J.C till next date.

Today is fixed for consideration of charge.

The learned P.P-in-charge and the learned advocate for the accused persons are present.

Record is taken up for framing of charge.

Heard both sides. Perused the materials on record and the case diary. Considered.

Considering C.D. and material on record, it appears that a prima facie charge under Sections **21(c)/22(c)/ 23(c)/27A/28/29 of N.D.P.S Act** is made out against accused persons namely **Karam Barman, Moktarul Sarkar, Bikram Sarkar, Ajit Sarkar @ Mona, Swapan Sarkar, Prahallad Mandal @ Potol, Prosenjit Shil and Muktarul @ Mukter Mia,.**

The contents of charge, is read over and explained to the accused person to which they pleaded **not guilty** and claimed to be tried.

Formal charge is written in separate sheet and kept in the record.

Heard both sides in order to ascertain if they wish to carry out admission of any document under Section 294 of the Cr.P.C. The accused refused to carry out any such admission.

Fix 12.01.2026 for evidence of CSW No.1 and 2.

13.01.2026 for evidence of CSW No.3 and 4.

14.01.2026 for evidence of CSW No.5 and 6.

15.01.2026 for evidence of CSW No.7 and 8.

16.01.2026 for evidence of CSW No.9 and 10.

Issue Summons accordingly.

Dictated & corrected by me

**Special Judge (under NDPS
ACT)-cum-ADJ, 3rd Court,
Balurghat,Dakshin
Dinajpur.**

**Special Judge (under NDPS
ACT)-cum-ADJ, 3rd Court,
Balurghat,Dakshin
Dinajpur.**