

# **Narcotics Control Act, 2018**

**(Act No. 63 of 2018)**

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FIRST SCHEDULE

SECOND SCHEDULE

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# Narcotics Control Act, 2018

(Act No. 63 of 2018)

[14 November 2018]

## **An Act to make provisions to control narcotics, reduce supply and demand, prevent abuse and smuggling thereof, and for treatment and rehabilitation of drug addicts**

Whereas it is expedient and necessary to make a new law by repealing the Narcotics Control Act, 1990 to update the existing laws relating to the control of narcotics, reduction of supply and demand, prevention of abuse and smuggling thereof, and for treatment and rehabilitation of drug addicts and matters ancillary thereto;

It is hereby enacted as follows:-

### CHAPTER I

#### PRELIMINARY

**1. Short title and commencement.-** (1) This Act may be called the Narcotics Control Act, 2018.

(2) This Act shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

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

- (1) 'Department' means the Department of Narcotics Control constituted or established under section 4;
- (2) 'agonist' means such substance which, in spite of differing in chemical composition from substances included in the Schedule, is equally effective in producing psychosomatic reaction to create addiction as the said substance.
- (3) 'analogue' means such substance not included in the Schedule, chemical composition of which is similar to one of the Scheduled narcotics and which is similarly active to produce psychosomatic reaction;
- (4) 'alkaloid' means a substance derived from the chemical analysis of any substance or narcotics included in the Schedule which has similar psychotropic reaction as the original narcotics or substance;
- (5) 'alcohol' means an organic compound of the hydrocarbon variety consisting of hydroxyl (OH-) pestle or a liquid substance of narcotics mentioned in Serial No. 3 of Class- 'B' and in Serial No. 1 and 2 of Class- 'C' of the Schedule;
- (6) 'isomer' means any one of the substance from two or more of the same group of substances, produced from the same substance of same proportion, but have some differences in qualitative characteristics due to the variation in its atomic layout;

- (7) 'producing or processing' means the process of obtaining a narcotic from its derivative, refining, chemical formation and analysis, production, mixing or preparing a solution by adding other substances, transforming it into any other narcotic or its by-product or compound or any substance produced or derived from it (consisting of similar chemical characteristics and ability to produce psychosomatic reaction) or into any alkaloid, salt, isomer, analogue or agonist by any commercial name or form or splitting and formatting it at specific portions and measures;
- (8) 'wash' means a solution obtained by fermenting any substance containing starch or carbohydrate with the addition of water or any other substances;
- (9) "Class-'A' narcotics", "Class-'B' narcotics" and "Class-'C' narcotics" means narcotics mentioned as Class-'A', 'B' and 'C' narcotics respectively in the Schedule;
- (10) 'authorized officer' means any officer mentioned in section 23;
- (11) 'cultivation' means sowing seeds, plantation of seedlings, engrafting, and production of fodder of any plant that may be a source of narcotics and obtaining substances, raw materials and components of narcotics from them;
- (12) 'physician' means recognized Dental Practitioner and recognized Medical Practitioner as defined respectively in clauses (16) and (18) of section 2 of the Bangladesh Medical and Dental Council Act, 2010 (Act No. 61 of 2010); and a person holding a Degree in Homeopathe from a university recognized under the Bangladesh Homeopathe Practitioners Ordinance, 1983 (Ordinance XLI of 1983) and Registered Veterinary Practitioner as defined in section 2(g) of the Bangladesh Veterinary Practitioner Ordinance, 1982 (XXX of 1982);
- (13) 'Schedule' means any Schedule attached to this Act;
- (14) 'possess or hold' means having knowingly any substance or component or object at one's body parts, cloths or having it in his possession or ownership, control or authority or preserving, warehousing, displaying, possessing or holding by any person;
- (15) 'controlled delivery' means a special investigation technique conducted to identify persons involved in narcotics offences, by which any illicit or suspected consignments of narcotics, its source, component or preparation is allowed to be conveyed and delivered or to change hands and reach its final destination with the knowledge and under the supervision of a law enforcing agency (government) authorized to investigate, through which all the persons involved in the illicit activities of trafficking narcotics from its source to the destination may be arrested;
- (16) 'permit' means any permit issued under section 13 of this Act;

- (17) 'pass' means any pass issued under section 13 of this Act;
- (18) 'rehabilitation' means any such activity or programme through which a drug addict is re-integrated to his regular family and social life;
- (19) 'precursor chemicals' means any type of precursor chemicals mentioned at Serial No. 8 of Class- 'A' narcotics of the Schedule and any precursor chemicals declared by the Government, from time to time, by notification in the official Gazette, which may be misused as a raw material or component for producing of narcotics;
- (20) 'Criminal Procedure' means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (21) 'vehicle' means a vehicle of any description including aircrafts, motor vehicles, vessels and train;
- (22) 'forfeitable substance' means any substance or object or narcotics mentioned in section 26;
- (23) 'rules' means rules made under section 68;
- (24) 'beer' means any alcoholic beverage containing at least 0.5% (point five percent) alcohol manufactured at breweries by brewing with malt and hops;
- (25) 'brewery' means any establishment, machinery, factory or centre for producing beer or liquid containing characteristics of beer;
- (26) 'person' includes any company, institution, statutory body or similar association or society;
- (27) 'prescription' means any list of medicine or terms of uses or application instruction in written form, prescribed by a physician recognized by BMDC for medical treatment;
- (28) 'Director General' means the Director General of the Department;
- (29) 'narcotics' means-
- (a) any object mentioned in the First Schedule; or
  - (b) if any object is assorted, mixed or dissolved with any narcotics, all of the objects;
- (30) 'narcotics offence' means any offence punishable under this Act;
- (31) 'drug addict' means any person who is physically or psychologically dependent on narcotics, or a habituated user or consumer of narcotics;
- (32) 'Drug Addiction Treatment Centre' means any drug addiction treatment centre established or declared in public sector or approved in private sector under this Act;

- (33) 'Magistrate Court' means any Judicial Magistrate Court empowered to frame cases related to an offence and send them to Tribunals for trial;
- (34) 'licence' means licence issued under section 13.
- (35) 'asset' means any movable and immovable object, copyright, goodwill, authority, power, right, partnership or any similar things; and
- (36) 'Tribunal' means the Narcotics Offence Prevention Tribunal established or determined under section 44, having power to conduct trial for cases forwarded by the Magistrate Court.

**3. Act to override any other law.-** Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.

## CHAPTER II

### ESTABLISHMENT OF DEPARTMENT, ETC.

**4. Department of Narcotics Control.-** The Department of Narcotics Control established under section 8 of Narcotics Control Act, 1999 shall continue and remain active as if it had been established under this Act.

**5. Head Office of the Department.-** (1) The Head Office of the Department shall be in Dhaka.

(2) The Government may, if necessary, establish subordinate or branch offices of the Department at anywhere in the country.

**6. Functions of the Department.-** The functions of the Department shall be as follows, namely:-

- (a) to take measures to prevent potential harmful reaction created from narcotics;
- (b) to conduct any kind of research or survey for collecting all information related to narcotics;
- (c) to take measures for producing, supply, use and control of narcotics;
- (d) to take necessary measures related to the treatment and rehabilitation of the drug addicts;
- (e) to take necessary educational and campaign programmes to raise public awareness against the bad impacts of narcotic;
- (f) to establish liaison with all ministries and agencies related to narcotics and coordinate all activities related thereto;
- (g) to take any necessary measures for performing above mentioned duties and functions; and
- (h) to perform such other duties as may be assigned to it by the Government, from time to time.

**7. Director General.-** (1) There shall be a Director General for the Department and he shall be the Chief Executive of the Department.

(2) The Director General shall be appointed by the Government and the conditions of his service shall be determined by the Government.

**8. Appointment of employees.-** The Government may, as per the organogram approved by it, appoint such number of employees as may be necessary for efficient performance of the functions of the Department, and the conditions of appointment, transfer and promotion including other conditions of service shall be prescribed by rules.

### **CHAPTER III**

#### **PROHIBITION AND CONTROL OF NARCOTICS**

##### **(LICENCE, PERMIT OR PASS)**

**9. Prohibition of production, etc. of narcotics except alcohol-** (1) Any narcotics except alcohol, or any such substance or plant which is used to produce or process narcotics-

- (a) shall not be cultivated, produced or processed, carried, conveyed or transported; and imported or exported;
- (b) shall not be supplied, marketed, purchased, sold, transferred, conferred, received, delivered, transacted, auctioned, held, belonged or possessed, preserved, warehoused and displayed;
- (c) shall not be consumed, applied or used; and
- (d) shall not be allowed to take any attempt or initiative, investment of money establishing or managing or sponsoring any organisation, or making false declaration for any of the purpose mentioned in clauses (a) to (c).

(2) No such precursor chemical which may be used as component or ingredient for narcotics-

- (a) shall be produced or processed, carried, conveyed or transported and imported or exported;
- (b) shall be supplied, marketed, purchased, sold, transferred, offered, received, transacted, auctioned, held, belonged or possessed, preserved, warehoused and displayed;
- (c) shall be consumed, applied or used; and
- (d) shall not be allowed to take any attempt or initiative, investment of money establishing or managing or sponsoring any organisation, or making false declaration for any of the purpose mentioned in clauses (a) to (c).

(3) Notwithstanding anything contained in sub-sections (1) and (2), if any narcotics, substance or plant or precursor chemicals are needed for producing any medicine approved by any law, for using in industry, treatment, scientific research or for any legal activity approved by the Director General, it shall be permitted under this Act for-

- (a) cultivation, producing, processing, carrying, conveying, transport, import, export, supply, marketing, purchase, sale, transfer, holding, belonging or possessing, preserving, warehousing, displaying or using under licence;
- (b) consumption, application and usage under permit; and
- (c) carry or transport under pass:

Provided that, nothing in this section shall apply to the case of carrying, transporting, holding, belonging or possessing, preserving, warehousing, displaying, transferring, offering, accepting, delivering, auctioning, controlled disposal etc. of any of the substances mentioned in the Schedule by any authorised member of the law enforcing agency while on duty on the basis of reasonably appropriate and legal documentation or documentary evidence, in the manner prescribed by rules, to implement any provision of this Act.

(4) A warning against the risk of abuse of the narcotics produced, processed and imported under sub-section (3) shall be clearly printed or embossed on the package or level thereof.

(5) Nothing in this section shall apply to preserve, carry, transport, apply and use of permitted amount of narcotics, approved by the Government, by notification in the official Gazette, for medicinal use, kept in the First aid box, if any, of passenger carrying vessels, aircrafts or vehicles for emergency treatment purposes, under the supervision of a physician.

**10. Restrictions on producing of alcohol, etc.-** (1) No person shall be entitled to do any of the following acts without licence, permit or pass, namely: -

- (a) establishing a distillery or brewery;
- (b) producing or processing of any alcohol;
- (c) carrying, transporting, importing or exporting of alcohol;
- (d) supplying, marketing, purchasing or selling of any alcohol;
- (e) holding, belonging or possession, preserving, warehousing or displaying of any alcohol;
- (f) consuming, applying or using any alcohol;
- (g) using as ingredients in producing any alcohol like medicine; and
- (h) taking any attempt or initiative, investing money, establishing or managing or sponsoring any organization, or making false declaration for any of the purpose mentioned in the clauses (a) to (g).

**Explanation.-** For the purpose of this sub-section, 'distillery' means any establishment or factory used for producing alcohol.

(2) Notwithstanding anything contained in sub-section (1), nothing in this section shall apply to the case of carrying, transporting, holding, belonging or possessing, preserving, warehousing, displaying, transferring, offering, accepting, delivering, auctioning, controlled disposal etc. of alcohol, by any authorised member of the law enforcing agency while on duty

on the basis of reasonably appropriate and legal documentation or documentary evidence to implement any provision of this Act.

**11. Restrictions on consumption of alcohol, etc.-** (1) No person shall consume alcohol without a permit, and a permit shall not be issued to a Muslim unless a written prescription for medical treatment is given by a civil surgeon or by a person not below the rank of an Associate Professor of a government medical college.

(2) Nothing in sub-section (1) shall apply to drinking of tari and pachui by the cobbler, methor, dom, tea labourers and drinking of traditional or produced alcohol by the small ethnic communities of Rangamati, Bandarban and Khagrachori hill districts and of other regions.

(3) Notwithstanding anything contained in sub-section (1),

- (a) citizens of foreign nationals and local citizens holding permits may consume alcohol at a licensed bars; and
- (b) nothing shall apply for foreign nationals holding diplomatic passport and valid passbook from the Customs Authority or a person endorsed by the existing baggage rules, for importing, exporting, purchasing, carrying, preserving, or consuming alcohol.

(4) All duty free operations related to alcohol shall be performed under a licence issued under this Act.

**12. Restrictions on prescriptions for narcotics.-** (1) No person other than a physician shall prescribe narcotics as a medicine.

(2) Narcotics shall not be purchased for more than once using a prescription given under sub-section (1).

**13. Licence, etc.-** (1) Licence, permit and pass may be issued by the Director General or an officer authorized by him in this behalf, in such manner, form and subject to payment of such fees as may be prescribed by rules.

(2) The licence, permit or pass shall remain valid till the time specified in the terms and conditions of it or from the date of issuance to the end of the concerned fiscal year:

Provided that if a licence, permit or pass is not renewed for 3 (three) years consecutively, it shall not be renewable.

**14. Restrictions as to issuance of licence, etc.-** (1) Notwithstanding anything contained in this Act, a person shall not be eligible to have a licence or permit, if he-

- (a) has been on conviction for an offence involving moral turpitude, sentenced to imprisonment for a term not less than for 3 (three) months and unless a period of 5 (five) years have been elapsed since his release, or has been punished with fine for more than 500 (five hundred) taka and unless 5 (five) years have been elapsed since payment of fine;
- (b) has been convicted for any offence; and

- (c) violates any terms and conditions of the licence or permit and for which his licence or permit is cancelled.

**15. Action against violation of terms and conditions of licence, etc.-** (1) If any person violates any terms and conditions of a licence, permit or pass, the officer issuing licence, permit or pass-

- (a) may, in case of violation of terms for the first time, settle the case by executing an affidavit or a bond from the accused person pledging that he shall not violate such terms and condition in future and collecting fine not more than 1 (lac) taka;
- (b) may, in case of violation of terms for the second time, cancel the licence permit, or pass.

(2) If a forfeitable substance is seized from a person upon a complaint for violation of the terms of a licence, a permit or a pass and if such accusation of such person is settled under sub-section (1)(a) and if such person is legally entitled to preserve such narcotics or substance, the officer seizing it may, upon permission of his controlling officer, instead of forfeiting the narcotics or substance, transfer it to the said person upon realization of sum at the equivalent rate of the current market price of it from him, in the manner prescribed by rules, and the amount realized shall be deposited in the government treasury.

**16. Cancellation of licence, etc.-** (1) Notwithstanding anything contained in this Act, if any person violates any terms and conditions of a licence, permit or pass, or any person holding a licence, permit or pass is convicted for any narcotics offence, the officer issuing licence, permit or pass may cancel the licence, permit or pass giving him an opportunity to show cause.

(2) Any person aggrieved by an order given under sub-section (1) may, within 30 (thirty) days from the date of receipt of the order prefer an appeal,-

- (a) to the Director General, if the order has been given by an officer sub-ordinate to the Director General; and
- (b) to the Government, if the order has been given by the Director General.

(3) The decision of the appellate authority mentioned in sub-section (2) shall be final and no suit shall lie in any court against it.

**17. Temporary suspension of licence, etc.-** (1) If it appears to the officer issuing licence, permit or pass that the terms and conditions of the licence, permit or pass issued by him is not being complied with, the officer may, subject to taking other measures under this Act, by a written order, temporarily suspend the licence, permit or pass for a period not exceeding 60 (sixty) days.

(2) Any person aggrieved by the order given under sub-section (1) may, within the 30 days from the date of receipt of the order prefer an appeal,-

- (a) to the Director General, if the order is given by the officer sub-ordinate to the Director General; and
- (b) to the Government, if the order is given by the Director General.

(3) The decision of the appellate authority mentioned in sub-section (2) shall be final and no suit shall lie in any court against it.

**18. Restrictions as to issuance of certain licence.-** (1) If a person is convicted under any section other than section 39, no licence for fire arms or driving licence shall be issued to him, and if he has any such licence, it shall be cancelled.

(2) If a licence of a person is cancelled under sub-section (1), he or the executor or the guardian as the case may be, shall surrender the licence to the officer issuing licence or at the nearest police station within 15 (fifteen) days of the date of cancellation of licence, and if it is for fire arms, the fire arms shall be submitted along with it.

**19. Power to temporary shut down any store or bar of narcotics.-** (1) No licensed store or bar shall be shut down without the approval of the Director General:

Provided that if a District Magistrate or a Police Commissioner is satisfied that shutting down of a store or bar of narcotics is necessary to maintain the law and order situation of an area under his jurisdiction, he may, by a written order, shut down the store or bar for a period not exceeding 30 (thirty) days.

(2) In case of special emergency situation, this period may be extended for a further period of thirty (30) days with the prior approval of the Director General.

(3) A copy of a order issued under sub-sections (1) and (2) shall be sent forthwith to the Director General for his information.

## CHAPTER IV

### POWER TO PREVENT NARCOTICS

**20. Power to enter, etc.-** Subject to the provisions of rules, the Director General or an officer generally or specially authorized by him in this behalf may-

- (a) enter at any time and inspect any such premises where narcotics has been or is being manufactured and warehoused under licence;
- (b) enter any such shop, during regular business hour, where produced or collected narcotics are stored for sale under licence and inspect it;
- (c) at the premise or shop mentioned in clauses (a) and (b),-
  - (i) examine the books of accounts or register books maintained therein;
  - (ii) examine, measure and weigh the narcotics found therein and examine the instruments, machineries and utensils used for producing narcotics;
  - (iii) seize any of the items mentioned in sub-clauses (i) and (ii) if found or deemed as illegal or defective.

**21. Power to detain or arrest in public place, etc.-** If the authorized officer has reason to believe that in a public place or on a moving vehicle,-

- (a) any narcotics or forfeitable substance or any document which may be used as proof for narcotics offence is kept in contrary to this Act, he may search and

seize such narcotics, substance or document recording the reasons of his belief; and

- (b) there is a person who has committed narcotics offence or is about to commit narcotics offence, he may recording the reasons of his belief detain him and, upon search if found any document, arrest him.

**22. Procedure of search, etc.-** In absence of anything contrary in this Act, the provisions of the Code of Criminal Procedure shall be followed in case of all warrants, searches, arrests, seizure, forfeiture and detention made for the purposes of this Act.

**23. Power to search without warrant, etc.-** (1) If the Director General or the any officer who is generally or specially authorised by him in this behalf, or the Deputy Inspector of Police, or any officer superior rank to him or Inspector of Customs or any officer equivalent or superior rank or Lance Nayek of the Border Guard Bangladesh or any officer of superior rank to him or Petty Officer of the Coast Guard or officer of superior rank to him has reason to believe that any narcotics offence has been committed or is committing, or is likely to commit, he may, on recording the reasons for such belief, except in licensed premises, at any time-

- (a) search such premises entering into it and if obstructed, may take any necessary action including breaking the doors and windows to remove the obstruction;
- (b) seize any narcotics or objects used for narcotics offence found during search of such premise, or any objects detainable or forfeitable under this Act and any documents, instruments or material be used to prove the narcotics offence;
- (c) search the body of any person present at such premises; and
- (d) arrest any person present at such premises who is suspected to have committed or be committing narcotics offence.

(2) Notwithstanding anything contained in sub-section (1), any officer mentioned in the said sub-section has reason to believe that the evidence related to narcotics offence may be destroyed or lost or the accused may abscond, if any premises is not searched entering into it in the time between sunset to sunrise he may recording the reason of such belief, enter and search the said premises during the time.

**24. Special examination for body search.-** (1) If any officer, while conducting an investigation or search under this Act, has sufficient reason to believe that any person has concealed narcotics in any organ of his body, he may, recording the reasons of such belief, order him to submit himself for any kind of necessary tests including X-rays, ultra-sonogram, endoscopy, colonoscopy or any other test including pathological tests of blood, urine and stool and if the order is denied, the officer may take all measures to compel him to implement the order.

(2) If the presence of narcotics is identified in the organ of the body of a person after examination in accordance with the provisions of the sub-section (1), he may be arrested for narcotics offence under the provisions of Serial 6 to 11 or 13 to 20 of the Table of section 36.

(3) Upon examination in accordance with the provisions of the sub-section (1), if evidence of consuming, inhaling, using or applying narcotics by any person is found and if it is in violation of the provisions of clause (c) of sub-section (1) or clause (c) of sub-section (2) of section 9 or clause (f) of section 10, the said person may be arrested for narcotics offence punishable under Serial No. 16, 21, 25, 29 or 31 of the Table of section 36.

(4) Dope tests may be carried out in the manner prescribed by rules to identify a drug addict. If dope test is found positive, action may be taken under section 36(4).

**25. Informing the superior officer about arrest, etc.-** If any person is arrested or any objects is seized under this Act, the arresting or seizing officer shall inform his superior officer by submitting a written report on it and submit a copy of the report to the Director General.

**26. Forfeitable narcotics, substances, etc.-** (1) If any narcotics offence is committed, the seized narcotics along with money, equipment, machinery, apparatus, container, carrier, package, vehicle or any other objects that is related to or is used to commit the said offence shall be forfeited.

(2) If any legal narcotics is found with the forfeitable narcotics during committing narcotics offence, such narcotics shall also be forfeited.

(3) If any vehicle of any government or statutory public authority is used to commit any narcotics offence, it shall be liable to seize and the officer filing the case shall transfer the said vehicle under the custody of the concerned controlling officer in the interest of public works, however, the fact shall be mentioned in the *Ijahaar*.

(4) The seized narcotics shall be destroyed by the order of the Magistrate Court or, as the case may, of the Tribunal.

**27. Procedure of forfeiture.-** (1) During the trial of a narcotics offence, if any Magistrate Court or Tribunal is of opinion that the seized object is forfeitable, the said Magistrate Court or the Tribunal may, whether the said offence is proved or not, -

- (a) order to forfeit the object, if the object is narcotics;
- (b) take necessary decision regarding forfeiture, if the object is not narcotics; and
- (c) order to forfeit the proceeds of the sale of narcotics and to deposit such money to the government treasury.

(2) If any forfeitable object is seized but the concerned offender is not found, the Director General or any officer authorized by him in this behalf, who is superior to the seizing officer of the object, may, by order in writing, forfeit such object:

Provided that before issuing such order of forfeiture, a notice shall be issued in the manner prescribed by rules for giving an opportunity to submit objection against forfeiture, and the petitioner of objection shall be given a reasonable opportunity of being heard within a time specified in the notice, which shall be not less than 15 (fifteen) days from the date of issuing the notice.

**28. Settlement or disposal of forfeited and detained narcotics and things.-** (1) As soon as the order is issued to forfeit any forfeitable narcotics or things, said it shall, if seized

by any officer of the Department of Narcotics Control, be handed over to the Director General or the officer authorized by him in this behalf, and the Director General or the officer authorized by him in this behalf may use, handover, destroy or dispose of it in any other way in the manner prescribed by rules.

(2) The detained narcotics or things, if seized by any other agency empowered under this Act, shall be handed over to the detaining agency after the order for forfeiture is issued and the detaining agency may handover or dispose of it, in the presence of the Director General or his representative in the manner prescribed by rules as per order of the Magistrate Court or the Tribunal.

(3) All concerned authorities and officers authorized to detain, forfeit and dispose of any narcotics or object under this Act shall submit a yearly report to the Government on the disposal of all the narcotics and objects disposed of under this Act.

**29. Provisions as to arrested persons and seized goods.-** (1) If any officer, other than the Director General or any other officer authorized by him or any police officer, arrests any person or seizes any object, he shall hand over without any delay the arrested person or the seized objects to the officer in charge of the concerned police station or to any person empowered as the officer in charge of the police station.

(2) The officer to whom the arrested person or the seized object is handed over under sub-section (1) shall take all proper legal steps regarding such person or object as soon as possible and if the seized narcotics or objects is very large in quantity, or so valuable or difficult or risk to preserve, the investigation officer may, with the permission of the Magistrate Court or of the Tribunal, preserving proper samples and evidence of the seized narcotics or objects, handover, destroy or in any other way dispose of the remaining narcotics or objects in the manner prescribed by rules, and shall forthwith inform the matter to the Magistrate Court or the Tribunal.

(3) Notwithstanding anything contained in this section, if immediate disposal of the seized narcotics or object is necessary or it is not possible to transport or move, the forfeiting officer may, preserving samples and evidence of the seized narcotics or object, handover, destroy or dispose the remaining narcotics or object in any other way.

**30. Power of the Director General etc. to investigate.-** (1) The Director General shall have the same power of investigation of offences under this Act as an officer-in-charge of a Police Station.

(2) The Government may, by notification in the official Gazette, confer the power of an officer-in-charge of the police station to any officer subordinate to the Director General to investigate an offence under this Act.

**31. Time limit for investigation of narcotics offence.-** (1) Notwithstanding anything contrary in the Code of Criminal Procedure, any investigation on narcotics offence-

- (a) shall be completed within 30 (thirty) days from the date of arrest, if the accused is caught red handed while committing the narcotics offence by the police or any officer empowered under this Act and submitted to any Magistrate Court;

- (b) shall be completed within 60 (sixty) days from the date of receiving the First Information as to the commission of the narcotics offence or, as the case may be, of receiving the order to investigate by the Director General or any officer authorized by him or the Magistrate Court or any relevant authority, in case the accused is not caught red handed while committing the narcotics offence.
- (c) shall be completed according to sub-section (1), if in the same case there are both arrested person and absconding person.

(2) If it not possible to complete the investigation within the time mentioned in sub-section (1) for any reasonable cause, the investigation officer shall complete the investigation of the narcotics offence within the next 15 (fifteen) days recording the reason, and shall inform it with reasons in writing to his controlling officer or, as the case may be, investigation order issuing Director General or any officer authorized by him or the Magistrate Court or any relevant authority.

(3) If it is not possible to complete the investigation within the time mentioned in sub-section (2), the investigation officer shall inform, in writing as to the investigation not being completed, within 24 (twenty four) hours of such time limit, to his controlling officer or, as the case may be, investigation order issuing Director General or any officer authorized by him or the Magistrate Court or to any relevant authority.

(4) Upon being informed about the non-completion of the investigation under the sub-section (3), the controlling officer or, as the case may be, investigation order issuing Director General or any officer authorized by him or the Magistrate Court or any relevant authority, may hand over the charge of investigation of the offence to any other officer, and if any of narcotics offence is so handed over, the investigation officer in charge-

- (a) shall complete the investigation within 15 (fifteen) days from the date of receiving the order to investigate, if the accused is caught red handed while committing the narcotics offence by the police or handed over to the police after being caught by any person; and
- (b) shall complete the investigation within 30 (thirty) days of receiving the order to investigate in other cases,.

(5) If the investigation is not completed within the time mentioned in sub-section (4), the concerned investigation officer shall inform, in writing as to the investigation not being completed, within 24 (twenty four) hours of such time limit, to his controlling officer or, as the case may be, investigation order issuing Director General or any officer authorized by him or the Magistrate Court or to any relevant authority.

(6) In case of investigation not being completed within the time mentioned in sub-section (2) or (4), if it is held upon examination of the explanation report by the controlling officer or, as the case may be, investigation order issuing Director General or any officer authorized by him or the Magistrate Court or any relevant authority, that the concerned investigation officer is responsible for not completing the investigation within the specified time, it shall be regarded as inefficiency of the responsible person and such inefficiency shall be recorded in his annual confidential report, and in appropriate cases, action may be taken against him according to the service rules.

**32. Transfer of investigation of case.-** During the investigation of a case filed by the Narcotics Control Department under this Act and investigated by any officer of the Department, if the Director General requests in writing, the investigating authority may transfer the investigation of the case to any officer specified by the Director General and the officer to whom the case is transferred, may, if necessary, investigate the case from the beginning or continue so from where it was left at the time of transfer and take appropriate action after completing the investigation.

**33. Audit of bank accounts, etc. and freezing.-** (1) If the Director General or the investigating officer has sufficient reasons to believe that any person is engaged in collecting illegal money and asset by involving in narcotics offence, and in order to take actions in accordance with this Act against the person, the records of his bank account or income tax or tax of property is required to be examined, the investigation officer shall take steps according to the Money Laundering Prevention Act, 2012.

(2) The investigation officer shall be deemed to be the investigation officer to control related narcotics offence (business of illicit drugs and addictive substance) mentioned in sub-section (zc) of section (2) of the Money Laundering Prevention Act, 2012, and he may take necessary action including investigation as per the Money Laundering Prevention Act, 2012 for the money or asset earned by illicit drug business.

(3) The investigation officer may, if necessary, apply for permission to the Magistrate Court or to the Tribunal for examining and auditing the records or freezing the concerned bank accounts or scrutinizing wealth, recording the reasons of such belief mentioned in sub-section (1).

(4) The Magistrate Court or the Tribunal shall dispose the application submitted under sub-section (3), by analysing the application and giving an opportunity to the applicant of being heard and if he finds the applied permission is justified, he shall give permission and shall send a copy of it to the bank, tax office and the relevant authority.

(5) The officer permitted under sub-section (4), shall inform the Magistrate Court or the Tribunal about the development of his scrutinization and result within the specified time.

**34. Prohibition on transfer of property, etc.-** (1) During the investigation of any narcotic offence, if the investigating officer has reasons to believe that any person has earned wealth being engaged in the said offence, he may, recording the reasons of such belief, apply to the Magistrate Court or to the Tribunal to issue an order to prohibit to sell, mortgage, transfer or exchange in any other way, of the concerned property until the completion of the investigation.

(2) The Magistrate Court or the Tribunal shall dispose the application submitted under sub-section (1) by analyzing the application and giving an opportunity of being heard to the person against whom the application is filed, and if he is of opinion that the order applied for is justified, he shall give the order applied for:

Provided that if investigation is not completed within 3 (three) months, the Magistrate Court or the Tribunal may give the order applied for on the application of the officer if such period does not exceed 3(three) months:

Provided further that the Magistrate Court or the Tribunal may, subject to disposal of the case after hearing of the both parties, issue a temporary order, for special reasons, hearing only the applicant.

(3) During the trial of a case for narcotics offence, if the complainant applies on the grounds that the property of the accused shall be needed to forfeit if he is convicted of committing the narcotics offence and for that reason it is required to issue an order to prohibit the sale, mortgage, transfer or in any other form, exchange of his property until disposal of the case, then the Magistrate Court or the Tribunal, if necessary, shall issue such order giving a reasonable opportunity of being heard of the both parties.

**35. Secret complaint and controlled delivery.-** (1) Subject to sub-section (2) and agreement or understanding signed by Bangladesh with any foreign country, the Government may grant permission in writing for controlled delivery for narcotics offence under this Act or any similar law of a foreign country for the purpose of collecting evidence in Bangladesh or elsewhere.

(2) The permission under sub-section (1) shall not be granted, unless the Government-

- (a) suspects a person, whose identity is known or unknown, was or is engaged in any such activity or has attempted to engage in activities which is regarded as narcotics offence under this Act or any similar law of any foreign country; and
- (b) is satisfied that the controlled delivery is prescribed in such a way that there is an opportunity to disclose his work or to obtain any other evidence relating to the operation.

(3) The Government may grant the said permission for a period not exceeding 3 (three) months, from time to time.

(4) Without prejudice to the generality of sub-section (1), the person granted permission under the said sub-section may perform the following functions during the controlled delivery and secret operation, namely-

- (a) to allow any vehicle to enter or leave Bangladesh;
- (b) to allow any vehicle to supply or collect narcotics;
- (c) to use reasonable force, as per circumstances, to enter and search a vehicle;
- (d) to install a tracking device in a vehicle; and
- (e) to allow the person who is in possession or custody of narcotics to enter into Bangladesh or leave Bangladesh.

(5) Notwithstanding anything contained in any other law for the time being in force, any person permitted to participate in a secret operation or controlled delivery, shall not be liable for narcotics offence for participating in such operation or controlled delivery in accordance with the conditions of the permission.

**CHAPTER V**  
**OFFENCE AND PENALTY**

**36. Penalty for violation of section 9 and 10.-** (1) If any person violates any provision of section 9 and 10 regarding narcotics mentioned in the 2<sup>nd</sup> column of the following Table, he shall be punished with the penalty mentioned in the 3<sup>rd</sup> column of the said Table, namely:-

**TABLE**

Serial No.	Name of narcotics and description of offences	Type of penalty
(1)	(2)	(3)
1.	Violation of clause (a) of sub-section (1) of section 9 regarding Poppy tree listed in Serial No. 1 of Class-‘A’ of the First Schedule.	(a) If the number of trees is less than 10, imprisonment for not less than 1(one) year, but not exceeding 5(five) years and fine;  (b) if the number of trees is more than 10 but less than 100, imprisonment for not less than 5 (five) years, but not exceeding 10 (ten) years and fine;  (c) if the number of trees is more than 100, imprisonment for not less than 10 (ten) years, but not exceeding 15 (fifteen) years and fine.
2.	Violation of clause (b) of sub-section (1) of section 9 regarding Poppy fruits listed in Serial No. 1 of Class-‘A’ of the First Schedule.	(a) If the number of fruits is less than 100, imprisonment of not less than 1(one) year, but not exceeding 5 (five) years and fine;  (b) if the number of fruits is more than 100 but less than 500, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;  (c) if the number of fruits is more than 500, imprisonment of not less than 10 (ten) years, but not exceeding 15(fifteen) years and fine.
3.	Violation of clause (b) of sub-section (1) of section 9 regarding Poppy seeds as listed in Serial No. 1 of Class-‘A’ of the First Schedule.	(a) If the amount of seeds suitable for seedling is less than 10 grams, imprisonment of not less than 1 (one) year, but not exceeding 5(five) years and fine;  (b) if the amount of seeds suitable for seedling is more than 10 grams but less than 50 grams, imprisonment of not less than 5(five) years, but not exceeding 10 (ten) years and fine;  (c) if the amount of seeds suitable for seedling is more than 50 grams, imprisonment of not less

Serial No.	Name of narcotics and description of offences	Type of penalty
(1)	(2)	(3)
		than 10 (ten) years, but not exceeding 15 (fifteen) years and fine.
4.	Violation of clause (a) of subsection (1) of section 9 regarding Coco trees or plants listed in Serial No. 2 of Class-‘A’ of the First Schedule.	<p>(a) If the number of trees is less than 10, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the number of trees is more than 10 but less than 100, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the number of trees is more than 100, imprisonment of not less than 10 (ten) years, but not exceeding 15(fifteen) years and fine.</p>
5.	Violation of clause (b) of subsection (1) of section 9 regarding Coco leaves listed in Serial No. 2 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of leaves is less than 100 grams, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of leaves is more than 100 grams but less than 1000 grams, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of leaves is more than 1000 grams, imprisonment of not less than 10 (ten) years, but not exceeding 15 (fifteen) years and fine.</p>
6.	Violation of clause (b) of subsection (1) of section 9 regarding a sticky discharged substance from opium fruit or processed, crude or any kind of manufactured opium or any substance produced by using opium that may produce addiction listed in Serial No. 3 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of opium or substance is less than 100 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of opium or substance is more than 100 grams or milliliter but less than 1000 grams or milliliters, imprisonment of not less than 5(five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of opium or substance is more than 1000 grams or milliliters, imprisonment of not less than 10 (ten) years, but not exceeding 15 (fifteen) years and fine.</p>
7.	Violation of clause (a) of subsection (1) of section 9 regarding any narcotics listed	(a) If the amount of narcotics is less than 5 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and

Serial No.	Name of narcotics and description of offences	Type of penalty
(1)	(2)	(3)
	in Serial No. 4 of Class-‘A’ of the First Schedule.	<p>fine;</p> <p>(b) if the amount of narcotics is more than 5 grams or milliliters but less than 25 grams or milliliters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 25 grams or milliliters, death sentence or imprisonment for life and fine.</p>
8.	Violation of clause (b) of subsection (1) of section 9 regarding any narcotics listed in Serial No. 4 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 5 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 5 grams or milliliters but less than 25 grams or milliliters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 25 grams or milliliters, death sentence or imprisonment for life and fine.</p>
9.	Violation of clause (a) of subsection (1) of section 9 regarding any narcotics listed in Serial No. 5 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 100 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 100 grams or milliliters but less than 200 grams or milliliter, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 200 grams or milliliters, death sentence or imprisonment for life and fine.</p>
10.	Violation of clause (b) of subsection (1) of section 9 regarding any narcotics listed in Serial No. 5 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 200 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 200 grams or milliliters but less than 400 grams or</p>

Serial No.	Name of narcotics and description of offences	Type of penalty
(1)	(2)	(3)
		<p>milliliters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 400 grams or milliliters, death sentence or imprisonment for life and fine.</p>
11.	Violation of clause (a) of subsection (1) of section 9 regarding any narcotics listed in Serial No. 6 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 5 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 5 grams or milliliters but less than 25 grams or milliliters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 25 grams or milliliters, death sentence or imprisonment for life and fine.</p>
12.	Violation of clause (b) of subsection (1) of section 9 regarding any narcotics listed in Serial No. 6 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 10 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 10 grams or milliliters but less than 50 grams or milliliters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 50 grams or milliliters, death sentence or imprisonment for life and fine.</p>
13.	Violation of clause (a) of subsection (1) of section 9 regarding any narcotics listed in Serial No. 7 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 500 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 500 grams or milliliters but less than 5 kgs or liters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 5 kgs</p>

<b>Serial No.</b>	<b>Name of narcotics and description of offences</b>	<b>Type of penalty</b>
(1)	(2)	(3)
		or liters, imprisonment of not less than 10 (ten) years, but not exceeding imprisonment for life and fine.
14.	Violation of clause (b) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 7 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 500 grams or milliliters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 500 grams or milliliters but less than 5 kgs or liters, imprisonment of not less than 5(five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of narcotics is more than 5 kgs or liters, imprisonment of not less than 10 (ten) years, but not exceeding imprisonment for life and fine.</p>
15.	Violation of clause (a) or (b) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 8 of Class-‘A’ of the First Schedule.	<p>(a) If the amount of precursor chemical is less than 10 kgs or liters, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of precursor chemical is more than 10 kgs or liters but less than 50 kgs or liters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine;</p> <p>(c) if the amount of precursor chemical is more than 50 kgs or liters, imprisonment of not less than 10 (ten) years, but not exceeding imprisonment for life and fine.</p>
16.	Violation of clause (c) of sub-section (1) and clause (d) of sub-section (2) of section 9 regarding any narcotics listed in Class-‘A’ of the First Schedule.	Imprisonment of not less than 3 (three) months, but not exceeding 2 (two) years and fine.
17.	Violation of clause (d) of sub-section (1) or clause (d) of sub-section (2) or sub-section (4) of section 9 regarding any narcotics listed in Class-‘A’ of the First Schedule.	Imprisonment of not less than 3 (three) months, but not exceeding 2 (two) years and fine.

<b>Serial No.</b>	<b>Name of narcotics and description of offences</b>	<b>Type of penalty</b>
(1)	(2)	(3)
18.	Violation of clause (a) of sub-section (1) of section 9 regarding any Cannabis or Hashish tree listed in Serial No. 1 of Class-‘B’ of the First Schedule.	<p>(a) If the number of trees is less than 50, imprisonment of not less than 1 (one) year, but not exceeding 5 (five) years and fine;</p> <p>(b) if the number of trees is more than 50 but less than 500, imprisonment of not less than 5 (five) years, but not exceeding 7 (seven) years and fine;</p> <p>(c) if the number of trees is more than 500, imprisonment of not less than 7 (seven) years, but not exceeding 10 (ten) years and fine.</p>
19.	Violation of clause (b) of sub-section (1) of section 9 regarding any narcotics manufactured from or with branches, leaves, flowers or etc. of Cannabis or Hashish tree listed in Serial No. 1 of Class-‘B’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 5 kgs or liters, imprisonment of not less than 6 (six) months, but not exceeding 5 (five) years and fine;</p> <p>(b) if the amount of narcotics is more than 5 kgs or liters but less than 15 kgs or liters, imprisonment of not less than 5 (five) years, but not exceeding 7 (seven) years and fine;</p> <p>(c) if the amount of narcotics is more than 15 kgs or liters, imprisonment of not less than 7 (seven) years, but not exceeding 10 (ten) years and fine.</p>
20.	Violation of clause (a) or (b) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 2 of Class-‘B’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 1 kg or liter, imprisonment of not less than 1 (one) year, but not exceeding 3 (three) years and fine;</p> <p>(b) if the amount of narcotics is more than 1 kg or liter but less than 5 kgs or liters, imprisonment of not less than 3 (three) years, but not exceeding 7 (seven) years and fine;</p> <p>(c) if the amount of narcotics is more than 5 kgs or liters, imprisonment of not less than 7 (seven) years, but not exceeding 10 (ten) years and fine.</p>
21.	Violation of clause (c) of sub-section (1) or clause (c) of sub-section (2) of section 9 regarding any narcotics (except the narcotics mentioned in Serial No. 3) of the First	Imprisonment of not less than 3 (three) months, but not exceeding 2 (two) years and fine.

<b>Serial No.</b>	<b>Name of narcotics and description of offences</b>	<b>Type of penalty</b>
(1)	(2)	(3)
	Schedule listed in Class-‘B’	
22.	Violation of clause (d) of sub-section (1) or clause (d) of sub-section (2) of section 9 regarding any narcotics (except the narcotics mentioned in Serial No. 3) of the First Schedule listed in Class-‘B’	Imprisonment of not less than 1 (one) year, but not exceeding 7 (seven) years and fine.
23.	Violation of clause (a) or (b) of sub-section (1) of section 10 regarding any narcotics listed in Serial No. 3 of Class-‘B’ of the First Schedule.	Imprisonment of not less than 1 (one) year, but not exceeding 10 (ten) years and fine.
24.	Violation of clause (c), (d) or (e) of sub-section (1) of section 10 regarding any narcotics listed in Serial No. 3 of Class-‘B’ of the First Schedule.	(a) If the amount of narcotics is less than 10 kgs or liters, imprisonment of not less than 6 (six) months, but not exceeding 3 (three) years and fine;  (b) if the amount of narcotics is more than 10 kgs or liters but less than 100 kgs or liters, imprisonment of not less than 3 (three) years, but not exceeding 5 (five) years and fine; and  (c) if the amount of narcotics is more than 100 kgs or liters, imprisonment of not less than 5 (five) years, but not exceeding 10 (ten) years and fine.
25.	Violation of clause (f) of sub-section (1) of section 10 regarding any narcotics listed in Serial No. 3 of Class-‘B’ of the First Schedule.	Imprisonment of not less than 6 (six) months, but not exceeding 2 (two) years and fine.
26.	Violation of clause (g) of sub-section (1) of section 10 regarding any narcotics listed in Serial No. 3 of Class-‘B’ of the First Schedule.	Imprisonment of not less than 1 (one) year, but not exceeding 10 (ten) years and fine.
27.	Violation of clause (h) of sub-section (1) of section 10 regarding any narcotics listed in Serial No. 3 of Class-‘B’ of the First Schedule	Imprisonment of not less than 1 (one) year, but not exceeding 10 (ten) years and fine.

<b>Serial No.</b>	<b>Name of narcotics and description of offences</b>	<b>Type of penalty</b>
(1)	(2)	(3)
28.	Violation of clause (a) of sub-section (1) of section 10 regarding any narcotics listed in Serial No. 4 of Class-‘B’ of the First Schedule.	Imprisonment of not less than 1(one) year, but not exceeding 7 (seven) years and fine.
29.	Violation of clause (b), (c) or (d) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 4 of Class-‘B’ of the First Schedule	(a) If the amount of narcotics is less than 1 kg or liter, imprisonment of not less than 1 (one) year, but not exceeding 5(five) years and fine;  (b) if the amount of narcotics is more than 1 kg or liter but less than 5 kgs or liters, imprisonment of not less than 5 (five) years, but not exceeding 7 (seven) years and fine; and  (c) if the amount of narcotics is more than 5 kgs or liters, imprisonment of not less than 7 (seven) years, but not exceeding 10 (ten) years and fine.
30.	Violation of clause (a) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 5 of Class-‘B’ of the First Schedule	Imprisonment of not less than 1 (one) year, but not exceeding 7 (seven) years and fine.
31.	Violation of clause (b), (c) or (d) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 5 of Class-‘B’ of the First Schedule.	(a) If the amount of narcotics is less than 3 kgs or liters, imprisonment of not less than 1 (one) year, but not exceeding 3 (three) years and fine;  (b) if the amount of narcotics is more than 3 kgs or liters but less than 10 kgs or liters, imprisonment of not less than 3 (three) years, but not exceeding 7 (seven) years and fine; and  (c) if the amount of narcotics is more than 10 kgs or liters, imprisonment of not less than 7 (seven) years, but not exceeding 10 (ten) years and fine.
32.	Violation of clause (b), (c), (d) or (e) of sub-section (1) of section 10 regarding any narcotics listed in Serial No. 1 and 2 of Class-‘C’ of the First Schedule.	(a) If the amount of narcotics is less than 50 kgs or liters, imprisonment of not less than 1 (one) year and fine;  (b) if the amount of narcotics is more than 50 kgs or liters but less than 500 kgs or liters, imprisonment of not less than 6 (six) months,

Serial No.	Name of narcotics and description of offences	Type of penalty
(1)	(2)	(3)
		<p>but not exceeding 2 (two) years and fine; and</p> <p>(c) if the amount of narcotics is more than 500 kgs or liters, imprisonment of not less than 2 (two) years, but not exceeding 5 (five) years and fine.</p>
33.	Violation of clause (a) or (b) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 3 of Class-‘C’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 1 kg or liter, imprisonment of not less than 1 (one) year, but not exceeding 3 (three) years and fine;</p> <p>(b) if the amount of narcotics is more than 1 kg or liter but less than 5 kgs or liters, imprisonment of not less than 3 (three) years, but not exceeding 5 (five) years and fine; and</p> <p>(c) if the amount of narcotics is more than 5 kgs or liters, imprisonment of not less than 5 (five) years, but not exceeding 7 (seven) years and fine.</p>
34.	Violation of clause (a) or (b) of sub-section (1) of section 9 regarding any narcotics listed in Serial No. 4 of Class-‘C’ of the First Schedule.	<p>(a) If the amount of narcotics is less than 1 kg or liter, imprisonment of not less than 1 (one) year, but not exceeding 3 (three) years and fine;</p> <p>(b) if the amount of narcotics is more than 1 kg or liter but less than 5 kgs or liters, imprisonment of not less than 3 (three) years, but not exceeding 5 (five) years and fine; and</p> <p>(c) if the amount of narcotics is more than 5 kgs or liters, imprisonment of not less than 5 (five) years, but not exceeding 7 (seven) years and fine.</p>

(2) If any person commits a narcotics offence again after completion of punishment being convicted of narcotics offence, and if the penalty for that offence is not death sentence or imprisonment for life, he shall be punished with twice the maximum penalty provided for that offence under this Act.

(3) If any person commits a narcotics offence again after completion of punishment being convicted of narcotics offence for the second time, and if the penalty for that offence is not death sentence or imprisonment for life, he shall be punished with imprisonment for a period not less than 20 (twenty) years, and with fine.

(4) Notwithstanding anything contained in this Act, if the accused is found in a Magistrate Court only a drug addict rather than a narcotic offender, the said Court considering the said person as a drug addict may send him to any drug addiction treatment centre for treatment of drug addiction at his own cost or his family, and if the said drug addict refuses to take such treatment for addiction, he shall be punished with imprisonment for a term not less than 6 (six) months, but not exceeding 5 (five) years, and with fine.

(5) If a person consuming alcohol or in any condition of drunk commits public nuisance or commits disturbing behaviour or drive a vehicle being drunk, he shall be punished with not exceeding 1 (one) year imprisonment and fine.

(6) If a driver of a Government vehicle, in the absence of the officer using the vehicle, is caught red handed by an authorized officer while transporting narcotics in the vehicle, legal and departmental proceedings may be brought against him according to the concerned offence.

**37. Penalty for possessing machinery, etc. useable in narcotics producing.-** If any machinery, wash or other material useable in narcotics producing is found with a person or in a place occupied by him, without having a licence, he shall be punished with imprisonment for a term not less than 2 (two) years, but not exceeding 10 (ten) years, and with fine.

**38. Penalty for allowing using house or transport, etc.-** If any person, knowingly allows his house, lands, business organisation, transport, machinery or equipment or money or property, whether owned or occupied by him, to use to commit narcotics offence, he shall be punished with imprisonment for a term not less than 5 (five) years, and with fine.

**39. Penalty for illegal search or harassment, etc.-** If any officer authorised to search, detain or arrest-

- (a) enters into any premises in the name of search and conducts search without any reasonable cause for suspicion;
- (b) seizes any property of a person vexatiously in the name of searching of any forfeitable goods; and
- (c) searches or arrests any person vexatiously;

he shall be punished with imprisonment for a term not less than 1 (one) year, or with fine, or with both.

**40. Provisions for financier, sponsor, abettor, etc.-** If any person invests or provides money or abets or patronizes in committing narcotics offence, he shall be punished with the same punishment as is provided for the offence.

**41. Penalty for provocation in committing narcotics offence, etc.-** If any person provokes or assists any person in committing narcotics offence or engages in conspiracy with any person or attempts or endeavours for that purpose, then whether narcotics offence is committed or not, he shall be punished with the same punishment is provided for the offence.

**42. Penalty for such narcotics offence for which no penalty is provided.-** (1) If any person violates any provision of this Act or rules, for which no separate punishment is provided in it, he shall be punished with imprisonment for a term not less than 1 (one) year, and with fine.

(2) If any person does not cooperate with, or obstructs or in any way creates obstruction for, any member of any law enforcing agency engaged in preventing narcotics offence, while performing his duty, it shall be deemed as abetting in a narcotics offence and for that, the concerned person shall be punished with imprisonment for a term not less than 2 (two) years, but not exceeding 10 (ten) years, and with fine.

**43. Offence committed by company.-** If the person violating any provision of this Act is a company, the owner, director, manager, secretary or any other officer or agent shall be deemed to have violated the provision, unless he proves that the violation was occurred without his knowledge or he has tried his best to prevent such violation.

**Explanation:** In this section-

- (a) 'company' means any statutory public authority, commercial institution and society or organization; and
- (b) in case of commercial institution, 'director' means any of its partner or member of the Board of Directors.

## **CHAPTER VI**

### **ESTABLISHMENT OF TRIBUNAL AND TRIAL OF OFFENCES**

**44. Establishment of Tribunal.-** (1) For the purpose of this Act, the Government may, by notification in the official Gazette, establish such number of Narcotics Offence Prevention Tribunals as may be required.

(2) If more than one Tribunal is established under sub-section (1), the jurisdiction of each of the Tribunals shall be determined in the notification of establishment of Tribunals.

(3) An officer from among the Additional District Judges shall be appointed as Judge of the Tribunal:

Provided that in absence of Additional District Judge in any district, the Sessions Judge of the District shall, in addition to his own duties, perform the duties of the Narcotics Crime Prevention Tribunal.

(4) Until the Tribunals under this section are established the Government may, by notification in the official Gazette, assign any Additional District Judge or Sessions Judge of any district to perform the duties of the Narcotics Crime Prevention Tribunal, in addition to his own duties.

(5) The Tribunal shall seat at such place or places which may be determined by the Government and conduct its activities.

(6) The Government shall consult with the Supreme Court for exercising powers under this section.

**45. Power of Tribunal.-** (1) The Tribunal shall have the power to try cases of Narcotic offences.

(2) The Tribunal shall be deemed to be a Trial Court of Session and the Tribunal may exercise the same power to try the narcotics offence as a Session Judge can exercise under the Code of Criminal Procedure.

**46. Cognizance of narcotics offences.-** Narcotics offence shall be a cognizable offences.

**47. Provision for bail.-** (1) Subject to the other provisions of this Act, no accused shall be released on bail, if-

- (a) the state or, as the case may be, the complainant party is not given an opportunity of being heard on the application of his release; and
- (b) the Magistrate Court or the Tribunal is satisfied that there is reasonable grounds for him to be convicted of the accusation brought against him; or
- (c) he is not a woman or child or physically handicapped and the Magistrate Court or the Tribunal is not satisfied that releasing him on bail shall not cause any injustice.

(2) After completion of investigation of narcotics offence, if the Magistrate Court or the Tribunal or, as the case may be, the Appellate Court is satisfied on investigation report or any information received from that sources that there is reasonable ground to believe that any person is not involved in that offence, the Magistrate Court or the Tribunal or the Appellate Court may issue an order for release on bail recording relevant information and reasons.

**48. Special procedure for trial.-** (1) In the case of trial of narcotics offences in the Tribunal, Chapter XX of the Code Criminal Procedure shall apply to such extent as is not in conflict with the provisions of this Act.

(2) If the maximum punishment of the narcotics offence is not death sentence or imprisonment for life or more than seven years of imprisonment, the case shall be disposed by summary trial and in that case Chapter XXII of the Code of Criminal Procedure shall be followed in so far as possible.

**49. Adjournment of trial.-** Once the trial begins in the Tribunal it shall continue until disposal of it, but if the Tribunal is satisfied that, for the ends justice, the adjournment of trial is really necessary, it may adjourn the trial for a short period which may not exceed three working days.

**50. Trial of other offences related with narcotics offence under trial.-** Notwithstanding anything contained in this Act, if any other offence related with the narcotics offence, under trial in a Tribunal, in such an way that for the ends of justice the other offence should be tried with the narcotics offence, then the related offence shall be tried with the narcotics offence in the Tribunal.

**51. Time limit for disposal of a trial.-** (1) The trial of a case shall be disposed of by the Tribunal within 90 (ninety) days from the date of committal of the case for trial from the Magistrate Court.

(2) If any trial of a case cannot be disposed of within the said period due to unavoidable circumstances, the Tribunal may dispose of the case within a further period of 30 (thirty) days recording the reasons thereof, and inform the Supreme Court in writing thereof, and a copy of which shall be submitted to the Government.

(3) If any trial cannot be disposed of within the extended period mentioned in subsection (2) due to reasonable cause, the Tribunal may, recording the reasons thereof, extend,

for the last time, a further period of 15 (fifteen) days for disposal of the case and inform the Supreme Court about the extension of such time in writing, and a copy of which shall be submitted to the Government.

(4) The trial must be completed within the extended period under sub-section (3).

**52. Trial of accused child.-** If a child is accused of committing a narcotics offence, the provisions of the Children Act, 2013 (Act No. 24 of 2013) shall apply to him.

**53. Appeal.-** Appeal may be made against the judgment of the Tribunal to the High Court Division within thirty working days from the date of the judgment:

Provided that the time elapsed for obtaining the true copy of the judgment shall be deducted from such time.

**54. Application of Code of Criminal Procedure.-** Unless there is anything contrary in this Act, for the purpose of this Act, the provisions of the Code of Criminal Procedure shall be applicable to the filling of a complaint (F.I.R.), investigation, inquiry, trial and settlement of narcotics offences.

**55. Presumption as to the committing of narcotics offence.-** If any equipment or machinery useable to consume, use, inhale or manufacture of narcotics or necessary substance or material for producing narcotics is found with a person or in any premise possessed or controlled by him and any provision of this Act is violated thereby, such person, shall unless otherwise proved, be deemed to have violated the law.

**56. Evidentiary value of photographs taken by camera, recorded conversation, etc.-** Notwithstanding anything contained in the Evidence Act, 1872 (Act No.1 of 1872), if any person or any member of the investigating agency or any other person takes or capture a video or still photograph or takes any conversation or discussion in a tape-record or disc, of committing a narcotics offence or loss, or of any incident for preparation or abatement of committing it, such video, still photograph, tape or disc shall be admissible as evidence during the trial of such offence or loss.

**57. Application of the provisions of the Mobile Court Act.-** Notwithstanding anything contained in this Act, the narcotics offences may be tried by the Mobile Court under the Mobile Court Act, 2009 (Act No. 59 of 2009).

## CHAPTER VII

### MISCELLANEOUS

**58. Narcotics Duty.-** (1) The Government may, by notification in the official Gazette, impose a kind of duty named Narcotics Duty on narcotics mentioned in the Schedule and may change the duty, from time to time:

Provided that if any produced alcohol or precursor chemical is exported, the said Narcotics Duty shall not be imposed on it.

(2) The Duty imposed under sub-section (1) shall be collected by the Director General or any employee subordinate to him in the manner prescribed by rules.

**59. Declaration of narcotics prone area.-** (1) For the purposes of this Act, the Government may, in the public interest, considering the dangerous implications of narcotics, declare any area as Special Narcotics Prone Area for such period as may be necessary.

(2) The Department shall take necessary steps or actions to prevent narcotics offence in the area declared under sub-section (1).

**60. Claim for compensation, etc. is unacceptable.-** Due to an order issued under this Act, if any licence, permit or pass holder, or any owner of a premise or person or organization related thereto where any operation for preventing narcotics offence carried out is affected, he, notwithstanding anything contained in any other law, cannot claim any compensation for that or return of any fees paid by him.

**61. Preparation of list of drug addicts, establishment of Drug Addicted Treatment Centre and Drug Addicted Rehabilitation Centre, etc.-** (1) The Department may prepare the list of drug addicts.

(2) The Government may, by notification in the official Gazette,-

(a) establish one or more Drug Addicted Treatment Centres and Drug Addicted Rehabilitation Centres under its administration, and may appoint necessary number of employees to administer it, and the terms and conditions of their service shall be prescribed by the service rules of the Department; and

(b) specify or declare any public sector institution as the Drug Addicted Treatment Centre and Drug Addicted Rehabilitation Centre.

(3) The Government may permit to establish Drug Addicted Treatment Centre and Drug Addicted Rehabilitation Centre in private sector and it shall be administered in the manner and standard prescribed by rules.

**62. Establishment of chemical laboratory and its report.-** (1) The Government may, by notification in the official Gazette,-

(a) establish one or more laboratories for chemical test of narcotics or any substance of narcotics under the Department and employ necessary number of employees including chemical examiners for it and the terms and conditions of their service shall be prescribed by the service rules of the Department; and

(b) determine any public sector institution as chemical laboratory.

(2) If it is considered necessary to conduct a chemical test of a substance at any stage of conducting any activity under this Act, it shall be sent to a chemical laboratory established or determined under sub-section (1).

(3) The chemical test report signed by a chemical examiner may be used as evidence for filling a case, investigation, inquiry, trial or any other proceeding of a narcotics offence.

**Explanation.-** For the purpose of this section, 'chemical examiner' means any examiner employed in a chemical laboratory established or determined by the Government or a recognized chemical examiner of any rank.

**63. Formation of committees and duties thereof.-** (1) For the purpose of this Act, the Government may, by notification in the official Gazette, form the following one or more committees, namely:-

- (a) National Narcotics Control Advisory Committee;
- (b) National Anti-narcotics Committee;
- (c) District Narcotics Control and Promotion Committee; and
- (d) Upazilla Narcotics Control and Promotion Committee.

(2) The Government may determine the duties and responsibilities, meetings, procedure and other affairs of the committees by notification mentioned in sub-section (1) or by rules.

**64. Delegation of power.-** The Director General may, if necessary, by a written order, delegate any of his power or duty under this Act to any of his subordinate officer.

**65. Amendment of Schedule.-** The Government may, by notification in the official Gazette, include or exclude any name of the narcotics by amending any Schedule.

**66. Obligation in mutual cooperation.-** If any person is requested in implementing any provision of this Act and exchanging information, he shall be bound to provide all sorts of cooperation and assistance to the authorized officers.

**67. Power of the Government to remove difficulty.-** If any difficulty or inconvenient is arisen to implement any provision of this Act due to its ambiguity, the Government may, subject to consistency with the provisions of this Act, by notification in the official Gazette, give direction on what to do regarding the matter by clarifying or explaining the said provision.

**68. Power to make rules.-** (1) For the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

(2) Without prejudice to the generality of the power conferred under sub-section (1), all or any of the following matters may be provided for in such rules, namely:-

- (a) alcohol;
- (b) establishment and management of Drug Addicted Treatment Centre and Drug Addicted Rehabilitation Centre;
- (c) licence, permit and fees;
- (d) forfeiture;
- (e) dope test;
- (f) list of drug addicts; and
- (g) appointment of officers and employees.

(3) Until rules are made under this section, the Government may, if necessary, by general or special order, take necessary measures, subject to consistency with this Act, to adopt and execute any action.

**69. Repeal and Savings.-** (1) As soon as may be after the commencement of this Act, the Narcotics Control Act, 1990 (Act No. 20 of 1990), hereinafter referred to as the 'said Act', shall hereby stand repealed .

(2) Upon such repeal of the said Act,-

- (a) the National Narcotics Control Board established under the said Act shall be dissolved; and
- (b) the National Narcotics Control Board Fund constituted and the National Narcotics Control Board (Management of Fund and Expenditure) Rules, 2001 made in this behalf under the said Act shall be dissolved, and all the money deposited in the dissolved fund shall be transferred to the Government Treasury.

(3) Notwithstanding the repealing of the said Act,-

- (a) any act done or action taken under the said Act shall be deemed to have been done or taken under this Act;
- (b) any rules made, any notification issued, any order, direction or permission given, recommendation made or programme taken, if remaining in force before the repealing of the said Act, shall continue in force subject to consistent with the provisions of this Act, until made, issued, given or taken under this Act,
- (c) any criminal proceedings filed under the said Act shall, if pending, be disposed of in such a manner as if the said Act had not been repealed;
- (d) Drug Addicted Counseling Centres, Drug Addicted Treatment Centres and Drug Addicted Rehabilitation Centres established or approved under the said Act shall be deemed to have been established or approved under this Act; and
- (e) the Chemical Laboratory established or approved under the said Act shall be deemed to have been established or approved under this Act.

(4) Notwithstanding the repealing of the said Act, the rate of Narcotics Duty in the Second Schedule attached thereto shall continue in force until determined under this Act.

**70. Publication of authentic English text of the Act.-** (1) After the commencement of this Act, the Government may, as soon as possible, by notification in the official Gazette, publish an authentic English text of the original Bangla text of this Act.

(2) In the event of conflict between the Bangla text and the English text, the Bangla text shall prevail.

**FIRST SCHEDULE**

[see section 2 (29) (a)]

**Class-A narcotics**

1. Opium poppy trees, opium poppy fruits, or seeds suitable for germination of opium poppy;
2. Coca tree or coca herb, coca leaves or all cocaine derivatives, any substance having more than 0.1% of cocaine or any alkali of cocaine;
3. Sticky discharged substance from opium fruit or processed, crude or any kind of manufactured opium or any substance produced by using opium fruits which can produce addiction;
4. Acetyl-methadol, Fentanyl, Acetyl-alpha-methyl Fentanyl, Alpha-methyl Fentanyl, Alfentanyl, Beta-hydroxy Fentanyl, Beta-hydroxy-3-methyl Fentanyl, Lofentanyl, 3-Methyl Fentanyl, Sufentanil, Alpha-methyl Thiofentanyl, 3-Methylthiofentanyl, Remifentanil, Sufentanyl, Thiofentanyl, Acetyl Methadol, Alpha cetyl Methadol, Beta Acetyl Methadol, Alphamethadol, Buprenorphine, Cocaine, Clorocodide, Etophine, Heroin, Acetyl dihydrocodeine, Hydrocodone, Di-hydrocodone, Codeine, Hydromorphone, Ketamine, Mitragynine, Mitraphylline, Methadone, Benzyl Morphine, Morphine, Nalbuphine, Norcodeine, Normorphine, Noscapine, Papavarine, Papavaritum, Phenethylamine, Pentazocaine, Pethidine, Pethidine Hydrochloride, Pethidine Intermediate A, Pethidine Intermediate B, Pethidine Intermediate C, Thebaine;
5. Amphetamine, Benzfetamine, Lefetamine, Metamphetamine/Methyl Amphetamine, Metamphetamine racemate, Brolamphetamine, DOB, Dexamphetamine, Etilamphetamine, Levamphetamine, Tenamphetamine;
6. Acetorphine, Allylprodine, Alphameprodine, Alphaprodine, Anileridine, Asscetrophine, Betacetylmethadol, Dimepheptanol, Betameprodine, Betamethadol, Benzethidine, Benzylmorphine, Betaprodine, Bezitramide, Cannabis resin, charas or Hashis, Hashis oil, Cathinone, Clonitazene, Codoxime, Demeral, Desomorphine, Dextromoramide, Dextropropoxyphene, Diampromide, Diethylthiambutene, Difenoxin, Dihydrocodeine, Dihydroetorphine, Dihydromorphine, Dimenoxadol, Dimethylthiambutene, Dioxaphetyl butyrate, Diphenoxylate, Dipipanone, Drotebanol, Ecgonine, Ergometrine, Ethylmethylthiambutene, Ethylmorphine, Eticyclidine, Etonitazene, Etoxidine, Etorphine, Etyptamine, Furethidine, Hydrocodone bitartrate, Hydromorphone, Hydroxypethidine, Isomethadone, Ketobemidone, Levomethorphan, Levomoramide, Levophenacetylmorphan, Hydromorphinol, Levorphanol, Meperidine, Mescaline, Metameprodine, Metazocine, Methadone intermediate (4-cyano-2-dimethyl-amino-4, 4-diphenyl butane), Methcathinone, Methyladihydromorphine, Methyl-desorphine, Metopon, MMDA, Moramide, Morpheridine, Morphine methobromide and other pentavalent nitrogen morphine derivatives, Morphine-N-oxide, MPPP [1-methyl-4-phenyl-4-piperidinol propionate (ester)], Myrophine, Naloxone, Naltraxone, Nicocodine, Narcodeine, Narcotine, Nicodicodine, Nicomorphine, Noracymethadol, Norlevorphanol, Normethadone, Norpipanone, Omnopone, Oripavine, Oxycodone, Oxymorphone), Parafluorofentanyl, Parahexyl, PEPAP [1-phenethyl-4-phenyl-4-piperidinol acetate (ester)], Phenadoxone, Phenampromide, Phenazocine, Phenomorphan, Phenoperidine, Pholcodine, Piminodine, Piritramide, Prohetazine, Properidine, Propiram, Psilocine,

Psilotsin, Racemethorphan, Racemoramide, Racemorphan, Remifentanyl, Rolicyclidine, Tenocyclidine, Tetrahydrocannabinol, Thebacon, Tilidine, Trimeperidine;

7. The byproducts or compounds of any of the narcotics mentioned in serial number 4 to 6 or any substance derived from or manufactured by them having chemical substances and have the power to produce psychotropic reactions or any of them of alkaloid, salt, isomer, analogue or agonists, whatever their commercial name or form.

#### 8. Precursor chemicals-

Precursor chemicals used as essential ingredients or materials in the production or processing of any Class- A or Class B narcotics are-

Acetic anhydride, N-Acetylanthranilic acid, Ephedrine, Ergometrine, Ergotamine, Isosafrole, Lysergic acid, 3, 4- Methyleneoxyphenyl-2-propanone, Norephedrine, 1-Phenyl-2-propanone, Piperonal, Potassium Permanganate, Pseudoephedrine, Safrole, Acetone, Anthranilic acid, Ethyl ether, Hydrochloric acid, Methyl ethyl ketone, Phenylacetic acid, Peperidine, Sulphuric acid, Toluene, APAAN (alpha-phenylacetoacetonitrile), ANPP (4-Anilino-N-phenethylpiperidine), NPP (N-phenethyl -4-piperidone).

#### **Class- 'B' narcotics**

1. Cannabis trees or its branches, leaves and flowers, hashish trees or its branches, leaves and flowers. Cannabis, hashish, hemp. Any type of product made of cannabis or hashish which is capable of producing intoxication or addiction.
2. Any plant used as a source of addiction or capable of producing intoxication (other than the plants mentioned in Class-A) and their branches, leaves, fruits, flowers, seeds or derivatives which is capable of producing intoxication or addiction (i.e. ditch, etc.)
3. Ethyl alcohol (ethanol) absolute alcohol, rectified spirit, any liquids and medicines prepared with alcohol of more than 0.5% (which is capable of producing intoxication and which is consumed or may be consumed as an equipment of intoxication), wine, beer, wash (jawa), chulai-alcohol, any type of alcohol or any substance containing more than 0.5% alcohol.
4. Aminoindanes, DET [3-{2-(Diethylamino) ethyl}indole], DMA [(<sup>2</sup>)-2, 5 Dimethoxy-alpha-methylphenethylamine], DMHP [3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 H-dibenzo {b,d}pyran-1-ol], DMT [3-{2-(Dimethylamino) ethyl}indole], DOET [(<sup>2</sup>)-4-ethyl-2,5 Dimethoxy-alpha-methylphenethylamine], Eticyclidine, PCE [N-ethyl-1phenylcyclohexylamine, Etryptamine, N-dydroxy MDA, +Lysergide, Lysergic Acid Diethylamide (LSD), LSD-25, MDE NethylMDA, MDMA [(<sup>2</sup>)-N,alpha-dimethyl-3,4- (methylphenedioxy) phenethylamine], Mescaline, 4-Methyl aminorex, Methyleneoxy (MMDA) [5-methoxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine], 4-MTA [alpha-methyl-4-methylthiophenethylamine], parahexyl, Methylphenethylamine (PMA)[para-methoxyalpha-methylphenethylamine], Psilocine, Psilocybine, Rolicyclidine, STP/DOM [2,5-dimethoxy-alpha,4-dimethylphenethylamine], MDA [Alpha-methyl-3,4-(methylenedioxy)phenethylamine], Tenocyclidine, TMA [(<sup>2</sup>)-3,4,5-trimethoxyalpha-methylphenethylamine], Amineptine, Dronabinol, Fenetylline, Mecloqualone, Methaqualone, Methylphenedate, Phenmetrazine, Zipeprol, Allobarbitol, Amobarbitol, Barbitol, Butobarbitol, Phenobarbitol, Secobarbitol, Vinylbital, Butalbital,

Cathine, Norpseudoephedrine, Cyclobarbitol, Glutethimide, Pentobarbital, Amfepramone, Aminorex, Chlordiazepoxide, Ethchlorvynol, Ethinamate, Ethyl loflazepate, Fencamfamin, Fenproporex, GHB [Gama-Hydroxybutyric Acid], Mazindol, Mefenorex, Meprobamate, Mesocarb, Methylphenobarbital, Methyprylon, Pemoline, PCP [Phencyclidine], Phendimetrazine, Phentermine, Pipradrol, Pyrovalerone, Salvinorin A, Synthetic Cannabinoids), Tramadol, Caffeine, any beverage having more than 0.145% of caffeine, Shisha.

5. Byproducts or compounds of the narcotics mentioned in serial number 4 or any substances derived from or manufactured by them, having chemical substances and have the power to produce psychotropic reactions or any of them of alkaloid, salt, isomer, analogue or agonists.

#### **Class-‘C’ narcotics**

1. Tari, panchai etc;
2. Methyl alcohol (methyl), any liquid chemical substance containing methanol, denatured spirit, methylated spirir, any type of alcohol other than ethyl alcohol, soap spirit or any other commercial spirit which is not drinkable by human being.
3. Flunitrazepam, Alprazolam, Bromazepam, Brotizolam, Camazepam, Clobazam, Clonazepam, Clorazepate, Clotiazepam, Cloxazolam, Delorazepam, Diazepam, Estazolam, Fludiazepam, Flurazepam, Halazepam, Haloxazolam, Ketazolam, Loprazolam, Lorazepam, Lormetazepam, Mazindol, Medazepam, Mefenorex, Meprobamate, Mesocarb, Midazolam, Nimetazepam, Nitrazepam, Nordazepam, Oxazepam, Oxazolam, Pinazepam, Pipradrol, Prazepam, Temazepam, Tetrazepam, Triazolam, Vinylbital, Zolpidem; and
4. The byproducts or compounds of any of the narcotics mentioned in serial number 3, or any substance derived from or manufactured by them having chemical substances and have the power to produce psychotropic reactions or any of them of alkaloid, salt, isomer, analogue or agonists.

**Explanation:-** For the purpose of this Schedule,-

- (a) ‘Psychotropic Substance’ or ‘Psychoactive Substance’ means any objects mentioned in Serial No. 4, 5 and 6 of Class-‘A’ Narcotics, in Serial No. 4 and 5 of Class- ‘B’ Narcotics, and in Serial No. 3 and 4 of Class- ‘C’ Narcotics.
- (b) ‘Salt’ means an ionic substance created by chemicals reaction with any kind of acid with any objects mentioned in the Schedule whose chemical composition is slightly different from the original objects but its psychotropic reaction is the same; and
- (c) ‘Shisha’ means any substance made with various herbal extracts and fruit slices mixed with essence caramel having more than 0.2% nicotine.

**SECOND SCHEDULE****(see section 58)****(Narcotics Duty)**

Detail of things to which Narcotics Duty is applicable:
(1) Native alcohol- (a) For other areas of the country other than tea garden (b) For the areas of tea garden
(2) Methyl alcohol
(3) Absolute alcohol
(4) Rectified Spirit- (a) Maximum 40 (forty) liters, proof, per annum under a licence of a Physician registered under the Bangladesh Homeopathic Practitioners Ordinance, 1983 (XLI of 1983); (b) other
(5) Extra Neutral Alcohol (ENA)/ Ethanol (BP, drug preparations)
(6) British wine prepared in Bangladesh
(7) Denatured Spirit
(8) Toluene

**Explanation:—** For the purposes of this Schedule, ‘Proof’ means the London Proof value of alcohol, or the volume value of aqueous solution present in pure spirits of 49.28 per cent at a temperature of 90.56° Celsius.