

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION DHAKA.
(Criminal Miscellaneous Jurisdiction)

Dated the 20.05.2019.

Present

Mr. Justice Md. Emdadul Huq.
and

Mr. Justice Abu Taher Md. Saifur Rahman.



Criminal Miscellaneous Case No. 34435 of 2019 (Arising out of Ukhiya Police Station Case No.28 dated 15.07.2017 Corresponding to G.R. No.277 of 2017(Ukhiya) now pending in the court of learned **Senior Judicial Magistrate, Cognizance Court, Cox's Bazar.**)

I.Md. Mintu Ali, Son of Abdur Rashid and Joygun of village Goga (Bagan Para) 05 No. Ward, 2. Md. Delwar Hossain, Son of late Moshsiur Rahman and Rebeka Khatun, of village Kaliani, 07 No. Ward both of Police Station Sharsha, District Jashore.....Accused- Petitioners.

(On Surrender)

-Versus-

The State, Opposite Party.
Mr. Md. Abdus Samad, Advocate.....For the petitioner.
Mr. Md. Salam Azad, A.A.GFor the State.

Hearing and order 20.05.2019.

Heard the learned Advocate on the application for bail under Section 498 of the Code of Criminal Procedure, 1898.in Ukhiya Police Station Case No.28 dated 15.07.2017 Corresponding to G.R. No.277 of 2017(Ukhiya) instituted under sections 19(1) Table Serial No.9(Kha) and Section 33 of the Madak Drabya Niyantaran Ain, 1990, now pending in the court of learned **Senior Judicial Magistrate, Cognizance Court, Cox's Bazar.**

The learned AAG opposes the bail prayer.

Perused the record.

As per FIR and charge sheet (Annexure-A and E), these two petitioners being FIR named accused Nos. 1 and 2 were arrested from a truck for alleged illegal carrying of 2,55,000/- (two lac fifty five thousand) pieces of yeaba tablets in a truck . Upon interrogation they disclosed the names of two others being FIR named accused No.3 and 4 as involved with those tablets. Since arrest they have been in custody.

During investigation accused petitioner No.1.Md. Mintu Ali made a statement under section 164 Cr. P.C.(Annexure-D) which is inculpatory in nature. The case is not yet ready for trial due to abscondance of some of the accused persons.

In consideration of the nature of the allegations, we are not inclined to issue Rule and to grant ad interim bail.

However in consideration of the custody period of the two petitioners since 15.07.2017 and the delay in commencement of the trial, we hold that the learned Chief Judicial Magistrate, Cox's Bazar should be directed to make the case ready for trial within 3(three) months.

In the result, this application under section 498 of the Cr. P.C. is summarily rejected with the direction that the learned Chief Judicial Magistrate, Cox's Bazar shall take all necessary steps for making the case ready for trial within 3(three) months from the date of receipt of the copy of this order. If the case is not ready for trial within that period, the Courts below shall consider petitioners bail application, if any, on merit and in accordance with law.

Send at once a copy of the order to the said Court.

The learned filing advocate may take back the Annexure by substituting attested photocopies thereof.

**Md. Emdadul Huq.
Abu Taher Md. Saifur Rahman.**

Memo No.....Crl.dated.....

Copy of the Court's order dated 20.05.2019 forwarded to the
Senior Judicial Magistrate, Cognizance Court, Cox's Bazar.

2. Chief Judicial Magistrate, Cox's Bazar for information and necessary action.

By order,

(Md. Harun Or Rashid)
Assistant Registrar.
Phone:-9588584.
30.5-19

Typeby: Muaz.
30.05.19.

Examd. by
30.5.19
মোঃ আব্দুল সালাম
প্রশাসনিক কর্মকর্তা

Superintendent
30.5-19
মোঃ জামাল হািদ
সুপারিনটেনডেন্ট