

Present:

Mr. Justice A.K.M. Asaduzzaman

And

Mr. Justice Muhammad Mahbub Ul Islam

Writ Petition No. 3129 of 2024

Barrister Masood R. Sobhan and another

.....Petitioners.

-Versus-

The State and another

.....Opposite parties.

Mr. Masood R. Sobhan

.... For the petitioners in person

Mr. Redwan Ahmed, D.A.G.

.... For the respondents.

Heard and judgment on 2nd September, 2024.

A.K.M.Asaduzzaman,J.

The rule was directed upon the respondents to show cause as to why the arrest of the workers/labours/employees of the employees of the restaurants from different places of the Dhaka City during the drive against unauthorized operation of restaurant business being violative of the fundamental rights guaranteed under Article 32 of the Constitution of the people's Republic of

Bangladesh should not be declared to have been made/done without lawful authority and is of no legal effect.

Fact relevant for disposal of this case is that on 29.02.2024 46 peoples died on a fire in a restaurant namely “চা চুমুক and Cafe” situated in Baily Road. In view of the said occurrence there was a widely reporting in the press and other forms of media including the television channels that over 800 workers involved in the restaurant business have been arrested.

Drawing our attention of this court to the effect that a huge number of innocent workers as well as persons against whom there was no criminal case pending were taken into custody and detained in the jail without having a proper course of law.

One Barrister Masood Raja Sobhan along with Barrister Fatema S. Chowdhury filed this writ petition and obtained the instant Rule.

Accordingly a direction was given to the concern authorities including the respondent No.4, IGP directing to furnish the numbers and names of arrestees, who were working as workers and employees in the restaurants in around Dhaka after the Baily Road fire fixing 60 days time to furnish a report after receiving of

this order. But thereafter although a number of adjournment was given but till today no report has been submitted.

In that view of the matter applicant Mr. Masood R. Sobhan upon appearing before this court prays for an order as well as disposed of this rule asking to have a direction upon the respondents to release all the innocent peoples taken into custody against whom no criminal case or any proceedings as ever been initiated against them and been held up in custody in order to safe them from being unnecessary harass.

Mr. Redwan Ahmed, the learned Deputy Attorney General appearing on the other hand although opposes the rule but found it difficult to oppose the innocent prayer of the petitioner.

Heard the learned advocate and perused the application and considered the submission made by the learned advocate appearing for the petitioner.

Having considered the submission made by the learned advocate for the petitioner, we find substance.

An innocent people should not be harass, this is a basic logic of the criminal jurisprudence. Since the respondent could not

furnish a positive report about the person taken into custody, we are hereby inclined to direct the respondent to release the person against whom there is no criminal case or any legal proceedings pending and are in custody unnecessary with having no specific allegation against them.

Accordingly, the Rule is disposed of. The person as aforesaid are directed to release immediately from the illegal detention or custody.

Communicate the judgment at once.

Muhammad Mabub Ul Islam, J:

I agree.