

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CRIMINAL MISCELLANEOUS JURISDICITON)**

Present:

Mr. Justice Md. Nazrul Islam Talukder

And

Mr. Justice Kazi Ebadoth Hossain

Criminal Miscellaneous Case No. 63703 of 2023

Md. Nasirul Islam

..... Accused-Petitioner.

-Versus-

The State

..... Opposite party.

Mst. Kalpana Akter Banu, Advocate

..... For the Accused-Petitioner.

Mr. A K M Amin Uddin, D.A.G with

Mr. Md. Asaduzzaman, A.A.G with

Mrs. Afifa Begum Swapna, A.A.G and

Mr. Sarwar Akhtar Masud, A.A.G,

..... For the State-opposite-party.

Heard and Judgment on: 20.05.2024.

Md. Nazrul Islam Talukder, J:

On an application under Section 498 of the Code of Criminal Procedure, this Rule, at the instance of the accused-petitioner, was issued calling upon the opposite-party to show cause as to why the accused-petitioner should not be enlarged on bail in Sessions Case No. 2232 of 2023, arising out of Mymensingh Sadar Police Station Case No. 81 dated 21.08.2022, corresponding to G.R. No. 854 of 2022 under Sections 36(1)/8(Ga)/38/40 of the Narcotics

Control Act, 2018, now pending in the Court of learned Special Sessions Judge, Mymensingh and/or pass such other or further order or orders as to this Court may seem fit and proper.

Mst. Kalpana Akter Banu, the learned Advocate for the accused-petitioner, submits that after obtaining bail from this Court at the time of issuance of the Rule, the accused-petitioner is regularly appearing before the Court below and he never misused the privilege of bail.

Mr. A K M Amin Uddin, the learned Deputy Attorney-General appearing for the State also could not produce any document in order to show that the accused-petitioner misused the privilege of bail.

Since there is no allegation of misuse of the privilege of bail by the accused-petitioner, we are inclined to confirm his bail by making the Rule absolute.

Accordingly, the Rule is made absolute.

The bail granted earlier to the accused-petitioner is, hereby, confirmed and he shall remain on bail till conclusion of the trial of the case if any.

However, the learned Judge of the Court below shall be at liberty to cancel the bail of the accused-petitioner if he misuses the privilege of bail in any manner.

Communicate this judgment and order to the learned judge of the concerned court below, at once.

Kazi Ebadoth Hossain, J:

I agree.