

Present:
Mr. Justice Zafar Ahmed
And
Mr. Justice Khandaker Diliruzzaman

Criminal Appeal No. 5396 of 2023

Nirmal Sangma

...Accused- petitioner.

-Versus-

The State

...Respondent

Mr. Muhammad Julfikar Ali, Advocate

...For the appellant

Mr. Md. Sarwar Hossain Bappi, DAG with

Ms. Moududa Begum (Fancy),

Mr. Mohammad Selim and

Mr. Mirza Mohammed Soyeb Muhit, AAGs

.....For the State

Heard and Judgment on: 10.01.2024

Zafar Ahmed, J.

This appeal under Section 30 of the Special Powers Act, 1974 is directed against the order dated 16.05.2023 passed by the Judge, Special Tribunal-1, Sherpur in Special Tribunal Case No. 08 of 2023 arising out of Jhenaigati Police Station Case No. 03 dated 02.05.2023 corresponding to G.R. No. 64 of 2022 under Section 19A of the Arms Act, 1878 along with under

Sections 4(b), 5 and 6 of the Explosive Substances Act, 1908, now pending in the Court of Special Tribunal-1, Sherpur rejecting the prayer for bail of the appellant Nirmal Sangma.

We have heard the learned Advocate of the appellant, and the learned Deputy Attorney General.

The learned Deputy Attorney General opposes the prayer for bail.

It appears from the FIR, seizure list, the forensic report and charge sheet that two fire arms and three rounds of live cartridge were recovered from direct control and possession of the appellant who belongs to a indigenous group located at Jhenaigati, Sherpur District.

According to the forensic report, both the fire arms are out of order and now they are part of the fire arms. The appellant was arrested on 02.05.2022.

Considering the above aspects of the case, we find merit in the appeal.

In the result, the appeal is allowed.

The accused appellant, namely **Nirmal Sangma, son of Michel Marak @ Binesh** be enlarged on bail on furnishing bail

bond to the satisfaction of the Court of learned Judge, Special Tribunal-1, Sherpur till disposal of G.R. No. 64 of 2022.

However, the Court below is at liberty to cancel the bail if the accused-petitioner misuses the privilege of the same.

Office is directed to send a copy of this judgment and order to the concerned Court below immediately.

Khandaker Diliruzzaman, J.

I agree.