

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

Criminal Appeal No. 7697 of 2023

Anowar Hossain @ Mita Anowar
...Accused- appellant
-Versus-
The State
...Respondent

Mr. Md. Harun-or-Rashid, 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: 14.03.2024

Zafar Ahmed, J.

This appeal under Section 30 of the Special Powers Act, 1974 is directed against the order dated 27.07.2023 passed by the learned Judge, Special Tribunal No. 3, Gazipur in Special Tribunal Case No. 20 of 2023 arising out of Kashimpur Police Station Case No. 17 dated 20.09.2022 corresponding to G.R. No. 191 of 2022 under Sections 19A and 19(f) of the Arms Act, 1878, now pending in the Court of Special Tribunal No. 3,

Gazipur rejecting the prayer for bail of the appellant Anowar Hossain @ Mita Anowar.

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 is stated in the seizure list that the firearms in question were recovered from the FIR named accused persons including the appellant who is accused No. 1. The appellant was arrested on 20.09.2022. Charge has not been framed yet.

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

In the result, the appeal is allowed.

The accused appellant, namely **Anowar Hossain @ Mita Anowar, son of late Yousuf Ali** be enlarged on bail on furnishing bail bond to the satisfaction of the Court of learned Judge, Special Tribunal No. 3, Gazipur.

However, the Court below is at liberty to cancel the bail if the accused-appellant misuse 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.

Mazhar/BO