

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

Criminal Appeal No. 9117 of 2023

Md. Dullah Sheikh alias Shamim Sheikh
...Accused- appellant
-Versus-

The State

...Respondent

Mr. Md. Mahabubur Rahman, 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 on: 15.02.2024
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 03.09.2023 passed by the Special Tribunal No. 01, Rajbari in Special Tribunal Case No. 30 of 2022 under Section 19A and 19(f) of the Arms Act, 1878, now pending in the Court of Special Tribunal No. 01, Rajbari rejecting the prayer for bail of the appellant Md. Dullah Sheikh alias Shamim Sheikh.

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 alleged in the FIR that an old rusted foreign made pistol and four rounds of bullet were recovered from the appellant. The appellant was arrested on 21.06.2022. Although the charge has been framed in the case, the prosecution has not yet examined any witness. There is uncertainty as to when trial shall be concluded.

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

In the result, the appeal is allowed.

The accused appellant, namely **Md. Dullah Sheikh alias Shamim Sheikh, son of late Alimuddin Sheikh** be enlarged on bail on furnishing bail bond to the satisfaction of the Court of learned Judge, Special Tribunal No. 01, Rajbari till disposal of Special Tribunal Case No. 30 of 2022.

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

Mazhar/BO