

Bench:  
 Mr. Justice Ashish Ranjan Das  
 and  
 Mr. Justice Md. Riaz Uddin Khan

**Criminal Miscellaneous Case Number 8371 of 2024**

Abdur Rahim alias Kala Monia  
 ... Petitioner

-Versus-

The State

... Opposite party

Mr. Syed Mamun Mahbub, Advocate with  
 Mr. Md. Shariful Islam, Advocate  
 ... for the petitioner.

Mr. M. Asraful Hoque, Deputy Attorney General

...for the State.

**Judgment on 19.03.2024.**

**Ashish Ranjan Das, J:**

This rule at the instance of the accused was issued on an application under Section 498 of the Code of Criminal Procedure for granting him bail in Special Trial Case No.960 of 2023 corresponding to G.R. Case No.815 of 2021(Ukhiya) arising out of Ukhiya Police Station Case No. 05 dated 02.10.2021 under Table 10(ga) appended to sections 36 (1)/38 of the Madak Draibba Niantran Ain, 2018, now pending in the Court of learned Sessions Judge, Cox's Bazar.

Mr. Sayed Mamun Mahbub, learned Advocate for the petitioner submits that the accused-petitioner was arrested on

01.10.2021 and since then he has been rotting in custody while according to order of the learned trial court trial is yet to commence. The learned lawyer for the petitioner particularly pointed out that according to the F.I.R. and seizure list a bag was seized from the shoulders of the petitioner containing those prohibited tablets while he was running away leaving his vehicle an auto rickshaw. Accordingly, the learned lawyer the story sounds less probable. A man while running away should not carry a bag while the police was present there. Be that as it may all these are matters of evidence to be looked into by the Trial Judge

Mr. M. Asraful Hoque, the learned Deputy Attorney General opposes the prayer for bail, but does not controvert the material points raised by the learned advocate for the petitioner.

Considering all these aspect we found merit in this rule.

Accordingly, the rule is made absolute. The petitioner Abdur Rahim alias Kala Monia, son of late Kalu Mia is granted bail in Special Trial Case No.960 of 2023 corresponding to G.R. Case No.815 of 2021(Ukhiya) arising out of Ukhiya Police Station Case No. 05 dated 02.10.2021 under Table 10(ga) appended to sections 36 (1)/38 of the Madak Draibba Niantran Ain, 2018, now pending in the Court of learned Sessions Judge, Cox's Bazar.

Learned Judge of the Court below will, however, be at liberty to cancel the bail in case of any proven misuse.

*Md. Riaz Uddin Khan, J:*

I agree.

B.O. Bashar