

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)
WRIT PETITION NO.7378 OF 2022**

IN THE MATTER OF:

An application under Article 102 of the Constitution
of the People's Republic of Bangladesh.

-AND-

IN THE MATTER OF:

Md. Ansar Ahmed

.... Petitioner

- Versus -

The Government of Bangladesh and others.

..... Respondents

No one appears

.....For the Petitioner

Mr. Md. Abul Kalam Azad, Advocate

.....For the Respondent No.3

Mr. Mohammad Waliul Islam Oli, D. A. G. with

Ms. Shahida Afrin Shapla, D. A. G. with

Ms. Nilufar Yesmin, A.A.G. with

Mr. Md. Moshiur Rahman, A.A.G. with

Mr. Md. Motasim Billah Parvez, A.A.G. with

Mr. Md. Faridul Islam, A.A.G.

.....For the Respondents-Government

Heard on 23.11.2025 & 27.11.2025

Judgment delivered on 07.12.2025

Present :

Mr. Justice Yousuf Abdullah Suman

And

Mr. Justice Dihider Masum Kabir

Dihider MasumKabir, J

On an application filed under Article 102 of the Constitution of the People's Republic of Bangladesh, the Rule was issued and an order of ad-interim bail was granted on 28.06.2022 as under:

“
”

The facts relevant for the disposal of the instant Rule as made out in the writ petition, in short, are that the petitioner availed credit facilities from the respondent No.3, Standard Bank Ltd., and being defaulter, the bank filed Artha Rin Suit No.20 of 2016 followed by Artha Jari Case No.09 of 2017 for collecting decretal amount and other costs with interest amounting to Tk.68,37,311.64 (Sixty eight lac thirty seven thousand three hundred eleven taka and sixty four paisa). Auction notice under section 34(1) of Artha Rin Adalat Ain, 2003 was published but no tender was submitted and the petitioner took no step for repaying the loan money. As the petitioner was already in jail under another Artha Execution Case No.586/19 of Adalat No.1, Dhaka, the respondent No.3, Standard Bank Ltd. prayed before the Court for shown arrest to the petitioner. The Artha Rin Adalat, 2nd Court, Sylhet presented the petitioner vide P/W and asked for re-pay the loan money, but he viewed his incapability, and the Court issued warrant of arrest on 21.03.2022. The petitioner prayed for granting bail for filing of appeal but the court was pleased not to allow the same and the petitioner filed this writ petition against the rejection order of granting bail. Challenging the said order, the petitioner moved before this Division filing writ petition and this Division was pleased to enlarge the petitioner on bail for a period of six months.

No one appears on behalf of the petitioner though the instant case was fixed for hearing as well as for judgment for several consecutive days in the daily cause list.

On the other hand, the learned counsel Mr. Md. AbulKalam Azad appearing on behalf of the respondent No.3, Standard Bank Ltd., submits that the petitioner neither filed appeal nor paid any amount after enlarging him on bail and even didn't communicate with the bank. Moreover, in pursuance to the ad-interim order of this Division, the writ petitioner was already been released on bail, therefore, the whole purpose of the Rule Nisi issued in this writ petition has become infructuous and as such the instant Rule Nisi issued in the writ petition is liable to be discharged as being infructuous.

We have considered the submissions of the learned counsel and perused the writ petition, affidavit in opposition as well as other materials on records.

On perusal of the writ petition and affidavit in opposition, it is revealed that the petitioner challenged the rejection order relating to granting of bail and this Division passed an ad-interim order of granting bail for a period of six months and the petitioner has already been released from jail and the core purpose of the writ petition has already been served out. But the said period of bail was not extended after its expiry and as such the petitioner would be treated as fugitive. Even he didn't communicate with the bank for paying the loan money, neither filed appeal nor paid any amount after enlarging him on bail. The petitioner abused the process of the Court. Moreover, there was no illegality of order No.30 dated 04.04.2022 passed by the Learned Judge, Artha Rin Adalat, 2ndCourt, Sylhet in Artha Execution Case No.09 of 2017.

In view of the above observations as well as the facts and circumstances of the case, we find no merit in the instant Rule Nisi and accordingly the Rule is discharged and the ad-interim order of bail is hereby re-called and cancelled.

However, there is no order as to costs.

Communicate the judgment and order at once.

Yousuf Abdullah Suman, J

I agree.