

**Criminal Appeal No. 7074 of 2024****Present:****Mr. Justice Md. Shohrowardi****Mr. Muhammad Rezaul Kabir Khan Advocate****.....For the appellant petitioner.****Mr. Shahidul Islam, AAG with****Ms. Sharmin Hamid, AAG****.....For the State****19.11.2024**

This is an application for bail in pending appeal filed against the judgment and order of conviction and sentence dated 10.07.2024 passed by learned Senior Sessions Judge, Rajbari in Sessions Case No. 798 of 2017 arising out of Pangsha Police Station Case No. 19 dated 15.07.2017 corresponding G.R No. 118 of 2017 convicting the appellant under section 19(1) table 3(Ka) of the Madok Drabbya Niyatron Ain, 1990 and sentencing him to suffer rigorous imprisonment for 7(seven) years and to pay a fine of TK. 2,000/- (two thousand), in default, to suffer imprisonment for 2 (two) months more.

The learned Advocate Mr. Muhammad Rezaul Kabir Khan appearing on behalf of the appellant petitioner having placed the application for bail submits that the trial court convicted the accused without any report of the chemical examiner and the investigating officer was not examined by the prosecution. He further submits that evidence of P.Ws. 1 and 2 as regards the recovery of the phensedyl from the possession of the appellant petitioner is not corroborated by the seizure list witnesses P.Ws. 3 and 4 and he has been languishing in custody since his surrender on 10.07.2024. He also submits that before passing the impugned judgment and order by the trial court he also served in custody for about 02(two) months and 14 days. Therefore, he prayed for bail.

The learned Assistant Attorney General appearing on behalf of the state opposes the prayer for bail.

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I have considered the submission of the learned Advocate Mr. Muhammad Rezaul Kabir Khan who appeared on behalf of the appellant petitioner and the learned Assistant Attorney General Mr. Md. Shahidul Islam who appeared on behalf of the respondent, perused the application for bail, the evidence, impugned judgment and order passed by the trial court and the records. Considering the submission of the learned Advocate for the appellant petitioner and the custody of the appellant petitioner, I am inclined to enlarge the appellant petitioner on bail.

Pending hearing of the appeal, let the appellant petitioner **Kalam Sheikh son of late Shahadat Sheikh** be enlarged on bail for 6 (six) months from the date subject to the satisfaction of the Sessions Judge, Rajbari.