

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)**

WRIT PETITION NO. 8416 OF 2025

IN THE MATTER OF:

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

AND

IN THE MATTER OF:

Suen Hossain

...Petitioner

-VERSUS-

The Government of People's Republic of Bangladesh, represented by the Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka and others

... Respondents

Mr. Subir Nandi Das, Advocate

.... For the Petitioner

Mr. Md. Mahfuzur Rahman (Milon) DAG with

Mr. Rezaul Karim Reza, DAG and

Mr. Md. Nazmul Haque, AAG and

Mr. Manowarul Islam, AAG and

Mr. Al-Faishal Siddique, AAG and

Mr. Md. Emdadul Haif, AAG and

Mr. Khorshed Alam(Selim), AAG and

Mr. K. M. Rezaul Firoj (Rintu), AAG and

Mr. Ashraful Alam, AAG and

Mr. Md. Husni Mubarak, AAG

..... For the other Respondents

Heard and Judgment on: 01st June, 2025

Present:

Mr. Justice Md. Akram Hossain Chowdhury

&

Mr. Justice Debasish Roy Chowdhury

Md. Akram Hossain Chowdhury, J:

By this rule under Article 102 of the Constitution of the People's Republic of Bangladesh, the petitioner, Suen Hossain being the son of the detenue, Sadekur Rahman, son of late Mohorom Ali of Nurpur

Bowali, Police Station- Khaliajuri, District- Netrokona has obtained the rule calling upon the respondents to show cause as to why the order of detention dated 21.04.2025 issued by the respondent No.3, i.e. the District Magistrate, Netrokona detaining the detainee Sadekur Rahman for a period of 30 (thirty) days under section 3(2) of the Special Powers Act, 1974 **(Annexure-A)** without showing any specific ground should not be declared to have been passed without any lawful authority and is of no legal effect.

By the said rule issuance order dated 19.05.2025 this Court further asked the respondents why the detainee namely Sadekur Rahman should not be brought before the Court and set at liberty, if he is not arrested/wanted in connection with any other particular case(s) and/or pass such other or further order or orders as to this Court may seem fit and proper.

However, after service of notices upon the respondents by the special messenger, the rule has been even become ready for hearing 26.05.2025 but none of the respondents has appeared in the rule to contest the same nor the detainee has been produced before the Court without any explanation made thereto.

Mr. Subir Nandi Das, learned Advocate appearing for the petitioner, at the very outset, submits that the detainee even was earlier arrested in connection with Netrokona Sadar Police Station Case No.2(9)2024, corresponding to G.R. No. 317(2) of 2024 under section 15(3) of the Special Powers Act, 1974 but he has got bail in the

said case on 06.04.2025. Learned Advocate then submits that the petitioner even before passing the detention order has been arrested on 23.03.2025 under section 54 of the Code of Criminal Procedure through a GD Entry bearing No. 818 dated 23.03.2025 and then he has been detained by the impugned detention order who however has been obtained bail therefrom; whereas, even then the detenue is under detention based on mere surmise and conjecture manner and the same is contrary to the provision of Special Powers Act, 1974 and therefore it to be declared illegal, void and without jurisdiction and is of no legal effect. Learned Advocate further submits that impugned order of detention has been passed against the detenue in violation of the detenue's fundamental rights as guaranteed under the Constitution of the People's of Bangladesh and as such, the detenue is now entitled to be set at free by this Hon'ble Court, if he is not wanted in any particular Case(s).

None for the respondent come forward to oppose the rule.

Heard the learned Advocate for the petitioner and gone through the materials on record. Upon hearing the learned Advocate and also going through the detention order as well as the annexures, as annexed with the writ petition, we find therefrom that other than the particular case, no other reason has been explained in the detention order as passed against the detenue and even further extension was made thereto. The record however shows that the present petitioner has been obtained bail in the case as was shown against him being Netrokona Sadar Police Station Case No. 2(9)2024, corresponding to

G.R. No. 317(2) of 2024. However, even no information nor any reply to the rule has been placed before this Court by the respondents about pendency of other case(s) against the detainee. Hence, this Court has nothing but to make the rule absolute directing the respondents to set at free the detainee, namely Sadekur Rahman, son of late Mohorom Ali of Nurpur Bowali, Police Station- Khaliajuri, District- Netrokona, if he is not wanted in connection with any other case(s).

In the result, the rule is made absolute without any order as to cost. The detention order as well as the extension made thereof are declared illegal and without lawful authority and is of no legal effect.

Let the detainee namely, Sadekur Rahman, son of late Mohorom Ali of Nurpur Bowali, Police Station- Khaliajuri, District- Netrokona be set at free, if he is not wanted in connection with any other case(s).

Communicate this Judgment and order to the authority concerned, at once.

Debasish Roy Chowdhury, J:

I agree.