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

Writ Petition No. 18927 of 2025

IN THE MATTER OF:

An application under Article 102 read with Article 44(1) of the Constitution of the People's Republic of Bangladesh.

AND
IN THE MATTER OF:

Rubayet Hossain

….Petitioner

Versus

Bangladesh Bank, represented by its Governor, Bangladesh Bank Building, Motijheel Commercial Area, Dhaka-1000, and others

….Respondents

Mr. Noor-Ul-Matin, Advocate with
Mr. Md. Shahjalal, Advocate

….For the Petitioner

Mr. Abdullah Al Mahmud, Advocate

.... For the respondent No. 3

Present:
Mr. Justice Md. Iqbal Kabir
And
Mr. Justice S M Saiful Islam

Judgment on 15.06.2026.

Md. Iqbal Kabir, J:

This Rule Nisi was issued calling upon the respondents to show cause as to why the Order dated 04.03.2025 issued by the respondent No. 3, Joint Director, Bangladesh Financial Intelligence Unit (BFIU) directing Chief Executive Officer of all the banks and financial institutions to suspend all accounts of the petitioner (Annexure-A) shall not be declared to have been issued without lawful authority and as to why the respondent Nos. 2-3 shall not be directed to release the Bank Accounts and Beneficiary Owners (BO) Accounts of the petitioner mentioned in Schedule-A and/or pass such other or further order or orders as to this Court may seem fit and proper.

The writ petition arises out of a letter dated 04.03.2025 issued by respondent No. 3 under section 23(1)(g) of the Money Laundering Prevention Act, 2012, directing all banks and financial institutions to immediately suspend the accounts of M. Kamal Hossain, the petitioner's father, along with the accounts of his family members, and to submit account information within five working days. Pursuant to the said order, the petitioner's bank accounts and BO accounts, as described in Schedule A, were also frozen, causing him substantial financial hardship. The petitioner contends that no notice regarding the suspension was ever served upon him. Although the concerned banks informed him that the suspension was effected pursuant to the respondent No. 3's order dated 04.03.2025, they declined to provide him with a copy of the said order. Consequently, the petitioner was deprived of an opportunity to know the basis of, or challenge, the suspension of his accounts.

Finding no alternatives, the petitioner visited the office of the respondent No. 3, wherein the petitioner found out that the respondent No. 3 vide its letter being সূত্র নং-বিএফআইইউ-(মনিটরিং এন্ড সুপারভিশন উইং-১)-০৮/২০২৫-১০২৮ dated 04.03.2025 instructed the Chief Executive Officer of all the banks and financial institutions to suspend all accounts of M. Kamal Hossain and his family members.

Against this backdrop, the petitioner, being aggrieved by such an order, has preferred this writ petition and obtained the Rule and interim order.

Against the interim order, the respondent No. 2 travelled to the Appellate Division, wherein the Judge-in-Chamber passed the following order:

> "The petitioner has filed this Civil Petition for Leave to Appeal against the ad-interim order of stay and direction dated 24.11.2025 passed by the High Court Division in Writ Petition No.18927 of 2025.
>
> Heard the learned Advocates of both parties and have pursued the impugned order of the High Court Division, as well as other materials on record.
>
> However, the operation of the interim order dated 24.11.2025 passed by the High Court Division in Writ Petition No. 18927 of 2025, so far as relates to giving direction upon the writ-respondents to release the Bank Accounts and Beneficiary Owners (BO) Accounts of the petitioner, mentioned in Schedule-A, is stayed till disposal of the Rule.
>
> Let the Rule be heard and disposed of by the appropriate Bench of the High Court Division expeditiously as possible, preferably within a period of 2(two) weeks of receipt of this order, but after the ensuing winter vacation.
>
> In view of the above, this Civil Petition for Leave to Appeal is disposed of.
>
> The office is directed to communicate the order to the High Court Division at once"

The matter was fixed for hearing based on the observation made by our Apex Court.

It has claimed by the petitioner that after successfully completing his academic studies with distinction, commenced his professional career as a Management Trainee at Robi Axiata PLC, one of the leading mobile telecommunications operators in Bangladesh. Subsequently, he joined Optimizely North America Inc., an American-based technology company, where he has been entrusted with responsibilities relating to product development, data privacy, and regulatory compliance. Owing to his outstanding academic credentials, professional competence, and exemplary performance, the petitioner initially received a gross monthly salary of BDT 1,13,000 (Taka One Lac Thirteen Thousand). Through his dedication, sincerity, and consistent excellence in discharging his duties, he earned successive promotions and currently serves as an Associate Product Manager. Apart from his professional employment in a multinational company, the petitioner is also an entrepreneur. In 2021, he co-founded a partnership business under the name and style of A & H Gallery, which operates in compliance with all applicable legal requirements, including valid trade licences, tax registrations, and other regulatory approvals. The firm conducts business through showrooms located in Dhaka and Chattogram and is engaged in the import, trade, and retail of premium building materials, including high-quality tiles, sanitary ware, kitchen fittings, furniture accessories, marble, and granite. By reason of its commitment to quality, innovative designs, and superior customer service, A & H Gallery has established itself as a trusted and reputable name among architects, real-estate developers, and homeowners throughout Bangladesh. Since the commencement of its commercial operations, A & H Gallery has experienced substantial business growth and currently records an annual turnover of approximately Tk. 60 crore. For the assessment year 2024–2025, the firm reported a total income of Tk. 4,92,11,924 (Taka Four Crore Ninety-Two Lac Eleven Thousand Nine Hundred Twenty-Four) and contributed Tk. 1,20,60,481 (Taka One Crore Twenty Lac Sixty Thousand Four Hundred Eighty-One) to the national exchequer as income tax. The firm presently employs approximately 120 full-time personnel, whose salaries are regularly disbursed through banking channels. In view of the firm's sound financial standing, business reputation, and operational success, A & H Gallery has been extended substantial credit facilities by several leading financial institutions. The firm was sanctioned a loan facility of Tk. 25,00,00,000 (Taka Twenty-Five Crore) by Southeast Bank PLC vide Sanction Letter No. SEBL/PB/CR/2022/04 dated 10.01.2022. It was further granted a loan facility of Tk. 1,50,00,000 (Taka One Crore Fifty Lac) by Eastern Bank PLC, and an additional facility of Tk. 66,00,000 (Taka Sixty-Six Lac) by

Standard Chartered Bank PLC. The nature of the petitioner's business is heavily dependent upon the importation of goods and materials from abroad. Consequently, following the suspension of the petitioner's bank account operations by respondent No. 3, the business activities of A & H Gallery came to a virtual standstill, resulting in severe financial disruption, substantial monetary losses, and the accrual of demurrage charges on imported consignments.

Mr. Noor-Ul-Matin, the learned Advocate for the petitioner, upon placing the petition, pointed out that the relationship between the petitioner and respondents is banker and customer. Being bankers, the respondents are under a legal obligation to safeguard the Bank Account of the Petitioner and allow him to make withdrawals from his Bank Account. According to him, the Bank can refuse to allow such a withdrawal when there is an order from the appropriate Court or authority that restricts the customer from making withdrawals of money from the customer's bank account. In the instant case, there is no restriction either from the Court or authority upon the petitioner that restrained from making withdrawals. Therefore, refusing to allow withdrawals of money from his Bank Account is illegal and malafide and a violation of fundamental rights; as such, the actions of the respondents are illegal.

He submits that the relationship between the petitioner and the respondents is principal and agent. As an agent, the respondent Bank is under a legal obligation to follow the instructions of the petitioner. The agent can only refuse to follow or act on the principal's instruction if such instruction is contrary to the provisions of law or the agent is directed by the court or authority to refrain from such action.

Mr. Noor-Ul-Matin, argued that in view of section 23(ga) of the Money Laundering Prevention Act, 2012, read with Rule 26(1)(kha) of the Money Laundering Prevention Rules 2019, BFIU can impose restrictions on the transaction of a bank account of any person for a period of 30 days. Under the said provision, BFIU can extend the said restrictions 7 (seven) times, but the period of each restriction shall be for a period of 30 days. He claims the order of restriction shall contain the reason for such extension. In the instant case, the restriction was imposed by BFIU without mentioning any specific bank account number through a letter dated 04.03.25. He brings notice to this Court that the alleged letter categorically mentions restriction is valid for 30 days in view of section 23(1)(ga) of the Money Laundering Prevention Act, 2012. Therefore, neither the petitioner's Bank Accounts are subject to any restriction of BFIU.

He submits that refusal to allow the withdrawal of money from his Bank Account and BO account on the instruction of the petitioner is a violation of Articles 27 and 31 of the Constitution. In this juncture, the provision provides that all citizens are equal before the law and are entitled to equal protection of the law. Further, Article 31 of the Constitution provides that it is an inalienable right of a citizen to enjoy the protection of the law and to be treated in accordance with the law, and no action detrimental to the life, liberty, body, reputation, or property of any person shall be taken except in accordance with the law. Thus, state machinery is under a legal obligation to act as a safeguard and ensure the fundamental rights of a citizen. In that view of the matter, the impugned actions of the respondents are illegal and without lawful authority.

It was argued that every citizen has the right to acquire, hold, transfer, or otherwise dispose of their property in view of Article 42 of the Constitution of Bangladesh. Such a right can only be restricted subject to the imposition of law. There is no law or order from the court or any authority that restricts the petitioner from making a withdrawal from his Bank Accounts or BO account. In that view of the matter, the actions of the respondents are in violation of the petitioner's fundamental rights guaranteed under Article 42 of the Constitution, and as such, the same are illegal, malicious, and without any lawful authority.

Mr. Abdullah Al Mahmud, the learned Advocate by filing an affidavit-in-opposition on behalf of the respondent No. 3 the Bangladesh Financial Intelligence Unit (BFIU) bring notice to this Court that the petitioner's father Mr. M Kamal Hossain and his family members purchased several plots/flats and accordingly BFIU conducted inquiry into the matter and prepared an intelligence report which demonstrates highly abnormal financial activities on the part of the petitioner and his family members including (1) 363 bank accounts involving approximately Tk. 901.75 crore within the family network; (ii) 43 bank accounts of the writ petitioner's father involving Tk. 126.36 crore; (iii) purchase of multiple high-value apartments and substantial land at undervalued prices; (iv) payments through layered routes and third-party pay orders; and (v) transactions suspected to be linked with hundi/illegal remittance. This bundle of facts clearly satisfies the statutory requirement of "reasonable cause to believe". In view of the above the impugned letter dated 04.03.2025 was issued stopping the transactions of the any types of accounts of Mr. M Kamal Hossain and his family members or the institutions in which they have interests for a period of 30 days and thereafter the said period was extended time to time up to seven times as permitted under section 23(1)(ga) of the Money Laundering Prevention Act, 2012 and then the present respondent lost authority under the said provision for extending the said period any further and as such the said period has not been extended any further. Therefore, apparently, the period of the impugned letter dated 04.03.2025 and its subsequent extensions for six more times had expired on 30.09.2025, and since then, no further order has been issued extending the said order. Thus, the impugned letter dated 04.03.2025 became infringeable after 30.09.2025 and lost its legal enforceability.

According to him during the period when the impugned letter dated 04.03.2025 was extended for the 5th time, the respondent No. 3 wrote a letter vide সূত্রঃ বিএফআইইউ-(অপা. এনা.)-০৮/২০২৫-২২৭৯ dated 21.07.2025 addressing the Director General (Money Laundering), Anti-Corruption Commission stating the facts and circumstances in view of the intelligence report and requesting him to conduct inquiry and investigation under the Act, 2012 and take appropriate legal action.

Thereafter, the respondent No. 3 wrote another letter vide সূত্রঃ বিএফআইইউ-(অপা. এনা.)-০৮/২০২৫-৩৩৯৫৯ dated 09.12.2025, addressing the Additional Inspector General, Criminal Investigation Department (CID), Malibag, Dhaka, stating the facts and circumstances based on the aforesaid intelligence report and attaching the same, requesting him to take appropriate legal steps in this regard. Moreover, the respondent No. 3 wrote a further letter vide সূত্রঃ বিএফআইইউ-(অপা. এনা.)-০৮/২০২৫-৩৩৯৫৯ dated 09.12.2025 addressing the Director General (Tax), National Board of Revenue, Central Intelligence Cell with a similar request.

We have heard the learned Advocate for both parties, perused the writ petition, affidavit-in-opposition, supplementary affidavit, and other materials on record.

Upon hearing, it appears that the concerned authority issued a memo directing the subordinate authorities to freeze/suspend all bank accounts of M Kamal Hossain and his family members. In this context, it is pertinent to note that BFIU can impose restrictions on the transaction of the bank account of any person for a period of 30 days, and BFIU can extend the said restriction 6(six) times, but the period of each restriction shall be for a period of 30(thirty) days. The letter by which the restriction has been imposed, the alleged letter categorically mentions restriction is valid for 30 (thirty) days, and that the restriction was not extended by BFIU. The validity of such a letter has already expired long before. Further, it appears that after the elapse of such a validity period, the Bank imposed restrictions and thereby froze the Bank Account, when the Bank has no such authority to do the same, thus under the law it cannot be called a freeze. From the records, it transpires that the initial freezing order was subsequently extended on six occasions, each extension being for a period of 30 (thirty) days. However, under the relevant law, there is no scope for extending such freezing orders beyond the prescribed statutory limit.

In the above context, respondent No. 3 claims that the impugned order has become redundant upon expiry of the prescribed period. It is true that, upon expiry of the statutory period, the freezing order ceased to have legal effect.

Indeed, taking advantage of the impugned order, the respondent banks and other authorities continued to refrain from allowing operation of the petitioner's bank accounts and have refused to honor payment instructions issued by the petitioner. Although the impugned order no longer has any force or legal effect, embargoes continue to be imposed, and the petitioner is being restrained from operating its bank accounts on the purported basis of the said impugned order.

Admittedly, the impugned order no longer has any legal force or effect, and no lawful basis upon which the respondents can continue to restrain the operation of the petitioner's bank accounts. The refusal by the Respondent's Bank to withdraw money violated the provision of law, rendering the same without lawful authority. In the context, the respondent banks are under a legal obligation to follow the instructions of the petitioner and allow him to operate and transact through the bank accounts, if he so desires, in accordance with the law.

Accordingly, the Rule is disposed of.

Respondents are directed to perform their duties and responsibilities as required under the provisions of law, and no excuse would be accepted for the performance of their obligations.

The order of stay granted at the time of issuance of the Rule is hereby recalle and vacated.

There will be no order as to cost.

Communicate the order.

S M Saiful Islam, J:

I agree.