

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CRIMINAL REVISIONAL JURISDICTION)

CRIMINAL REVISION NO. 1935 of 2026

IN THE MATTER OF:

Md. Shiblu Hossain

... Accused-petitioner

-VERSUS-

The State

..Opposite party

Mr. Md. Mahabubur Rahman, Advocate

...For the petitioner

Mr. Mirza Al Mahmood, D.A.G with

Mr. Md. Masudul Alam Doha, D.A.G

Mr. Md. Nasimul Hasan, A.A.G

Mr. Md. Husni Mubarak, A.A.G

Mr. Syed Akhtarul Islam, A.A.G and

Mr. Khan Mahfuzur Noor, A.A.G

....For the State

Heard & Judgment on 19.08.2026.

Present

Mr. Justice Md. Khairul Alam

And

Mr. Justice Md. Rafizul Islam

Md. Khairul Alam, J.

This Rule was issued on an application under section 439 read with section 435 of the Code of Criminal Procedure, calling upon the opposite party to show cause as to why the judgment and order dated 13.11.2025 passed by the learned Joint Sessions Judge, 3rd Court, Naogaon, in Sessions Case No. 3995 of 2025, arising out of Badalgachhi Police Station Case No. 01 dated 04.07.2025, corresponding to G.R. No. 122 of 2025, under sections 3(Gha)/4 of the খাদ্যদ্রব্য উৎপাদন, মজুত, স্থানান্তর, পরিবহণ, সরবরাহ, বিতরণ ও বিপণন (ক্ষতিকর

কার্যক্রম প্রতিরোধ) আইন, ২০২৩, rejecting the application filed by the petitioner for taking jimma of the seized 500 bags of rice, should not be set aside and as to why the seized goods should not be handed over to the jimma of the petitioner and/or such other or further order or orders should not be passed as to this Court may seem fit and proper.

Relevant facts for disposal of the Rule are that one Md. Mizanur Rahman, Upazila Food Controller, Badalgachhi, Naogaon, as informant, lodged a First Information Report with Badalgachhi Police Station, Naogaon, implicating the present petitioner and another as accused alleging, inter alia, that on 03.07.2025, at about 11:00 a.m., acting upon secret information, the informant party raided the house of accused No. 2, Md. Zahidul Islam and found substantial quantity of Katari Atap rice stored for the purpose of hoarding. The informant party arrested the accused persons and seized 500 sacks of rice, each weighing approximately 50 kilograms, aggregating 25,000 kilograms (25 metric tons) and valued at approximately Tk. 15,00,000/- (Taka fifteen lakh) at the place of occurrence. On the basis of the said First Information Report, Badalgachhi Police Station Case No. 01 dated 04.07.2025 was registered, giving rise to G.R. Case No. 122 of 2025, which was subsequently transferred to the Court of Sessions and registered as Sessions Case No. 3995 of 2025 for trial.

During the pendency of the case for investigation, the petitioner filed an application before the learned Magistrate seeking custody of the seized rice. Upon such application, the learned Magistrate directed the Investigating Officer to submit a report, and the Investigating Officer, by report dated 18.07.2025 (Annexure-C), opined that the petitioner is the owner of the seized rice. Notwithstanding the said report, the learned Magistrate, by order dated 22.07.2025, rejected the petitioner's application for custody. Against the said order dated 22.07.2025, the petitioner preferred a Criminal Revision before the learned Sessions Judge, Naogaon, which was also rejected.

Thereafter, upon transfer of the case to the Court of Sessions for trial, the accused-petitioner again filed a fresh application before the trial Court seeking custody of the seized rice, which was also rejected by the impugned order dated 13.11.2025.

Being aggrieved thereby, the petitioner moved before this Court and obtained the instant Rule.

Mr. Md. Mahabubur Rahman, learned Advocate appearing for the petitioner, submits that the petitioner is the owner of the seized rice, which has been lying in the custody of the police station without proper care and maintenance and, as such, there is every likelihood of the rice being damaged or rotten and therefore, prays for handing over custody of the seized rice to the petitioner.

Mr. Mirza Al Mahmood, learned Deputy Attorney General, opposes the Rule.

We have heard the learned Advocates for the respective parties and perused the materials on record.

The relevant provision for disposal of the seized article under the Ain is provided in section 11, which runs as follows:

“ ১১। জব্দকৃত খাদ্যদ্রব্য নিষ্পত্তিকরণ- (১) জুডিসিয়াল ম্যাজিস্ট্রেট বা, ক্ষেত্রমত, মেট্রোপলিটন ম্যাজিস্ট্রেট আদালত, এই আইনের অধীন জব্দকৃত খাদ্যদ্রব্য—

(ক) দ্রুত পচনশীল হইলে স্বীয় বিবেচনায় আলামত হিসাবে প্রয়োজনীয় পরিমাণ নমুনা সংরক্ষণ করিয়া অবশিষ্ট পরিমাণ তাৎক্ষণিকভাবে প্রকাশ্য নিলামে বিক্রয় বা অন্য কোনো উপায়ে নিষ্পত্তির আদেশ প্রদান করিবেন;

(খ) দ্রুত পচনশীল না হইলে আলামত হিসাবে প্রয়োজনীয় পরিমাণ নমুনা সংরক্ষণ করিয়া অবশিষ্ট পরিমাণ সর্বোচ্চ ৪৫ (পঁয়তাল্লিশ) কার্যদিবসের মধ্যে প্রকাশ্য নিলামে বা বাণিজ্যিকভাবে লাভজনক অন্য কোনো আইনসম্মত উপায়ে বিক্রয় বা অন্য কোনো উপায়ে নিষ্পত্তির আদেশ প্রদান করিবেন।

(২) উপধারা (১) এর অধীন বিক্রয়লব্ধ অর্থ রাষ্ট্রীয় কোষাগারে জমা করিতে হইবে।

(৩) মামলা নিষ্পত্তির পর অপরাধ প্রমাণিত হইলে, বিক্রয়লব্ধ অর্থ সরকারের অনুকূলে বাজেয়াপ্ত হইবে, তবে অপরাধ প্রমাণিত না হইলে, বিক্রয়লব্ধ সমুদয় অর্থ জব্দকৃত খাদ্যদ্রব্যের প্রকৃত মালিককে ফেরত প্রদান করিতে হইবে।”

(underlie supplied)

From the said provision it appears that if any perishable/non-perishable goods are seized under the Act, the Court may, at its discretion, preserve only such quantity of samples as is necessary for evidentiary purposes and direct the immediate sale of the remaining quantity by public auction or dispose of the same in any other manner.

In the case at hand, it appears that the alleged rice was seized on 03.07.2025 on the allegation of hoarding. The seized rice has already remained in the custody of the police station for more than one year without proper maintenance and preservation. In such circumstances, there is every possibility that the rice may become unfit for consumption if it continues to remain in the police custody. In the above facts and circumstances of the case, we are of the view that no useful purpose would be served by allowing the seized rice to remain in police custody.

Therefore, we find merit in the Rule.

Accordingly, the Rule is made absolute.

The Court concerned is directed to retain only the requisite quantity of the seized rice as samples for evidentiary purposes and to release the remaining rice to the petitioner, namely, Md. Shiblu Hossain, upon execution of a bond of Tk.15,00,000/- (fifteen lakh).

In the event that the alleged offence is proved, the amount secured by the bond shall be liable to forfeiture to the Government; otherwise, the bond shall stand discharged to the owner.

Communicate the order at once.

Md. Rafizul Islam, J.

I agree.

Kashem, B.O