

GAHC010053902024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./286/2024

ABUL BARI BARBHUIYA AND ANR
S/O ABDUL MATIN BARBHUIYA, R/O RAMNAGAR, TILAGRAM, P.S.-
SILCHAR, DIST- CACHAR, ASSAM

2: AKLAR ISLAM LASKAR @ KUTI
S/O MAYNA MIA LASKAR
R/O PECHADHAR
RAMNAGAR
TARAPUR PT IV
P.S.-SILCHAR
DIST- CACHAR
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:RAJU RANJAN DEY
S/O LATE RAMKUMAR DEY
TARAPUR TOP
P.S.-SILCHAR
DIST- CACHAR
ASSA

Advocate for the Petitioner : MR. D K BAIDYA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

14.03.2024

Heard Mr. D.K. Baidya, learned counsel for the petitioners. Also heard Mr. D. Das, learned Addl. P.P for the State respondents.

This is an application under Section 482 read with Section 401 of the Cr.PC, 1973 for setting aside of impugned Order dated 07.02.2024, whereby NBWA was issued against the petitioners in NDPS Case No. 15/2024 registered under Section 21(c)/29 of NDPS Act.

It appears that the petitioners have been shown absconders in the Charge-sheet filed without the petitioners being called at the stage of investigation.

Mr. D.K. Baidya, learned counsel for the petitioners submits that the petitioners are ready and willing to appear before the Trial Court.

Mr. D. Das, learned Addl. P.P submits that in case the petitioners appears before the Trial Court, the Trial Court shall consider the prayer for bail on its own merit.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the above submission, this Court is of the considered view that this criminal petition can be disposed of with a direction to the petitioners

to appear before the learned Special Judge, Cachar, Silchar within a period of 15 days and till then, they shall not be arrested.

It is needless to clarify that upon their appearance, the Trial Court shall consider the prayer for bail on its own merit.

This disposes of the criminal petition.

Consequently, the Order dated 07.02.2024 shall not be executed till the next date.

JUDGE

Comparing Assistant