

GAHC010095922024



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

Case No. : Crl.Pet./559/2024

ISMAIL ALI LASKAR
S/O JAMAL UDDIN LASKAR,
RESIDENT OF VILLAGE JAMIRA PART III, PO JAMIRA BEGUM, PS
RAMNATHPUR, DIST HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:ASI MUZHARUL ISLAM LASKAR
IN CHARGE JAMIRA PP PO JAMILA BAZAR
78816

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.05.2024

Heard Mr. M.J.Quadir, learned counsel for the petitioner. Also heard Mr. B.Sharma, learned Additional Public Prosecutor, Assam appearing for the State respondent No.1.

By filing this petition under Section 482 of the Cr.P.C., the petitioner has prayed for quashing of the impugned order dated 21.09.2023, 10.11.2023 and subsequent orders passed by the

learned Special Judge, Hailakandi in Spl. Case No. (NDPS) 03/2023 whereby Warrant of Arrest has been issued against the petitioner .

The learned counsel for the petitioner submits that learned trial court on the very first day after taking cognizance of the case issued warrant of arrest against the petitioner. Though the petitioner was shown as absconder in the charge sheet, however, it is a settled position of law that on the very first day, if warrant of arrest is issued against any petitioner, reasons be assigned therein as to why warrant of arrest has been issued against the petitioner. In support of his submission, learned counsel has placed reliance on the following judgments:

- a. Akash Jain –vs- Telangana High Court & anr. (Criminal petition No. 6823/2019)*
- b. Sultan Ali & ors. –vs- State of Assam (2008) 3 GLT 17*
- c. Anwar Hussain –vs- State of Assam & anr. (Criminal Petition / 1145/2023 of Gauhati High Court*
- d. Sanjay Das –vs- vs- State of Assam & anr. (Criminal Petition No. 251/2018 of Gauhati High Court).*

Mr.B.Sharma, learned Additional Public Prosecutor, on the other hand submits that the petitioner may appear before the trial court for seeking regular bail.

Having heard the learned counsel for the parties and on perusal of the documents annexed to the application as well as considering the averments made in the petition, it is provided that the petitioner shall appear before the learned trial court within **07 (seven) days** from today and file bail application and in the event, if any bail application is filed, learned trial court shall consider the same and dispose of the matter in accordance with law and till the aforesaid period of 7 days, warrant of arrest issued against the petitioner be kept in abeyance.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant