

GAHC010156552024



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

Case No. : Crl.Pet./937/2024

FARUK AHMED BARBHUIYA
S/O LATE ASAB ALI BARBHUIYA
VILL- PALAICHERRA PART-I,
P.O. JAMIRA BAZAR, P.S. RAMNATHPUR, DIST. HAILAKANDI, ASSAM, PIN-
788162.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. S B LASKAR, MR. H A LASKAR, MS D DUTTA, A. H. AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

11.09.2024

Heard Mr. S. B. Laskar, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor appearing for the State respondent.

By this application under Section 528 of the BNSS, 2023, the petitioner has prayed for quashing of the order dated 08.08.2024 passed by the learned

Special Judge, Hailakandi in Special (NDPS) Case No. 5/2016 arising out of Hailakandi Excise Case No. 1852/2016 whereby NBWA was issued against the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner did not receive any summon in connection with the case and failed to enter his appearance. Subsequently, NBWA was issued against him on 08.08.2024. It is further submitted that the petitioner was not absconding.

However, the petitioner is now ready to face the trial and prayed that warrant of arrest issued against the petitioner be recalled.

Mr. Goswami, learned Additional Public Prosecutor submitted that the pharmacy of the petitioner was raided at Hailakandi and he fled away from the said premises. However, he submitted that the petitioner may appear before the trial court seeking regular bail.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the petitioner is directed to appear before the trial court within 10 days from today and in the event of filing any bail application, the same shall be considered in accordance with of law.

Accordingly, criminal petition stands disposed of.

JUDGE

Comparing Assistant