

GAHC010197172024



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

Case No. : Crl.Pet./1167/2024

HASEN KHAN @ MD. HASSAN KHAN
S/O MD. GAJI KHAN
R/O 12 NO. BLOCK, KAWAIMARI
P.S. SARTHEBARI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR A RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

23.09.2024

Heard Mr. S Munir, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the BNSS, 2023 by the petitioner, namely, Hasen Khan @ Md. Hassan Khan praying for quashing the orders directing issue of Non-Bailable Warrant of Arrest against him in connection with NDPS Case No. 74/2024 pending in the court of the learned Special Judge, Sankardev Nagar, Hojai.

The present petitioner along with another person are charge-sheeted in a case under the provision

of NDPS Act.

The petitioner was earlier released on bail at the time of investigation. Thereafter, summon was issued to him for appearance. Finally, NBWA was issued against him due to default in appearance.

The petitioner submits that he did not receive the summon and, therefore, he could not appear before the trial court.

I have considered the submission made by the learned counsel of both sides.

Since the petitioner intends to appear before the trial court, he should be given an opportunity to face the trial. Therefore, the present petition is allowed.

In view of the above, the orders directing issue of NBWA against the petitioner Hasen Khan @ Md. Hassan Khan are set aside. The petitioner is directed to appear before the trial court on or before 14.11.2024 and on his appearance, the trial court shall release him on bail by executing a bail bond of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Special Judge, Hojai, Sankardev Nagar.

The criminal petition is disposed of.

JUDGE

Comparing Assistant