

GAHC010203132024



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

Case No. : Crl.Pet./1201/2024

HAJARAT ALI @ HAZARAT ALI AND ANR
S/O HANIF ALI,
RESIDENT OF KARAIKHAITY, PS KACHUMARA, DIST BARPETA ,ASSAM

2: MUKTAR ALI
S/O ASKER ALI

RESIDNET OF NIRALA
PS KACHUMARA
DIST BARPETA
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:MRINAL SHARMA
C/O SI(P) KALGACHIA
PS KALGACHIA
DIST BARPETA
ASSAM 78131

Advocate for the Petitioner : MR S M ABDULLAH P, MD R ISLAM,MR. S RAHMAN,MS F
HUSSAIN,MD IMRAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 01.10.2024

Heard Mr. S. M. Abdullah P., learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the order dated 03.09.2024 passed by the learned Special Judge, Barpeta in Spl. (NDPS) Case No. 14/2024 directing issue of non-bailable warrant of arrest against the petitioners.

3. Both the petitioners have been shown as absconders in the charge-sheet. They filed an application before the learned trial court showing the reasons of their absence. The trial court held that since the petitioners are shown as absconders in the charge-sheet, the prayer of the petitioners was rejected and the court below directed issue of non-bailable warrant of arrest against them.

4. I have considered the submissions made by the learned counsels of both sides.

5. Both the petitioners are interested in facing the trial and therefore, the petitioners deserve to be given the opportunity to face the trial.

6. Therefore, the impugned order dated 03.09.2024 passed by the learned Special Judge, Barpeta in Spl. (NDPS) Case No. 14/2024 directing issue of non-bailable warrant of arrest against the petitioners are set aside. It is also directed that the petitioners shall appear before the trial court in connection with Spl. (NDPS) Case No. 14/2024 on 24th of October, 2024.

7. On their appearance before the trial court, both the petitioners, 1. Hajarat Ali @ Hazarat Ali and 2. Muktar Ali shall be released on bail of Rs. 25,000/- each to the

satisfaction of the learned trial court.

8. With the aforesaid direction, the criminal petition stands disposed of.

JUDGE

Comparing Assistant