

GAHC010205152024



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

Case No. : Crl.Pet./1237/2024

ABU BAKKAR SIDDIK @ SANJAB
S/O LATE SURMAN ALI
VILL- BHATIPARA MAJER ALGA
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SI BINAY MALAKAR
S/O GAGAN MALAKAR
I.C. GERUKABARI P.P.
P.S. MANIKPUR
DIST. BONGAIGAON
ASSAM
PIN-78339

Advocate for the Petitioner : MR. A KADDUS,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 04-10-2024

Heard the learned counsel Mr. A. Kaddus appearing for the petitioner. Also heard Mr. D. Das, learned Addl. PP for the State of Assam.

This is an application under Section 528/442 of the BNSS, 2023 in respect of Special (Nar.) Case No. 56(M)/2024 pending in the Court of learned Special Judge, Bongaigaon.

The petitioner has been shown as an absconder in the charge-sheet under the provision of NDPS Act. The petitioner submits that he did not receive the summons. According to the petitioner the Court issued Non-Bailable Warrant of Arrest against the present petitioner. The petitioner has submitted that he has interest in facing the trial but apprehends that whenever he will appear before the Trial Court he will be remanded to the custody.

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

Since the petitioner wants to face the trial, he should be given an opportunity to that effect.

Therefore, it is hereby directed that the orders directing issue of Non-Bailable Warrants of Arrest in respect of Special (Nar.) Case No. 56(M)/2024 are set aside. The petitioner is directed to appear before the Trial Court. It is further directed that on his appearance before the Trial Court, the petitioner Abu Bakkar Siddik @ Sanjab shall be released on bail of Rs. 25,000/- with a suitable surety of like amount to the satisfaction of the arresting authority.

This criminal petition stands disposed of.

JUDGE

Comparing Assistant