

GAHC010258012024



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

Case No. : Crl.Pet./1478/2024

AMIR HUSSAIN @ NANDU MISTRY @ AMIR ALI
S/O LT. AFSER ALI
VILL- NIRALA, P.S. KACHUMARA
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

13.12.2024

Heard Mr. R. Ali, the learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the orders dated 03.09.2024 and 24.10.2024 passed by the learned Special Judge, Barpeta in Special (NDPS) Case No.14/2024.
3. The present petitioner is shown as an absconder in a *charge sheet* filed under the provisions of the NDPS Act. After filing of the *charge sheet*, the trial court issued Non-Bailable Warrant of Arrest (NBWA) against him.
4. Now, the petitioner submits that he is interested in facing the trial.
5. I have considered the submissions made by the learned counsel of both sides.
6. Since the petitioner is interested in facing the trial, he should be given an opportunity to that effect. Therefore, the impugned orders dated 03.09.2024 and 24.10.2024 issuing NBWA against the present petitioner in Special NDPS Case No.14/2024 are set aside.
7. The petitioner, namely- Amir Hussain @ Nandu Mistry @ Amir Ali is directed to appear before the trial court within next 10(ten) days from today. On his appearance, the aforesaid petitioner shall be released on bail of ₹40,000/- with a surety of like amount to the satisfaction of the learned Special Judge, Barpeta.

With the aforesaid direction, the present criminal petition is disposed of.

JUDGE

Comparing Assistant