

GAHC030002682024



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

Case No. : AB/5/2024

Sh. Badrul Hussain
S/o Abdul Sukkar
R/o Karimganj, Assam - 788719

VERSUS

Union of India
R/b Public Prosecutor
Anti-Smuggling Unit
Aizawl Customs Division, Mizoram

Advocate for the Petitioner : Mr. Tauhid Alom Laskar

Advocate for the Respondent : Mr. Johny L Tochhawng

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA
ORDER

Date : 29.04.2024

Heard Mr. Tauhid Alom Laskar, learned counsel for the petitioner. Also heard Mr. Johny L. Tochhawng, learned Public Prosecutor representing Union of India.

On the last occasion, learned Public Prosecutor was requested to let this Court know about the next date fixed before the Trial Court and also let this Court know as to whether any summons were issued to the present petitioner.

Accordingly, Mr. Johny L. Tochwawng, learned Public Prosecutor has informed that the next date of the case before the Trial Court is fixed on 02.05.2024.

He has also informed that on three occasions summons were issued to the present petitioner and same were received by the wife of the present petitioner, and when the petitioner failed to appear before the Trial Court, on 02.04.2024, warrant of arrest were issued against the petitioner.

However, learned Public Prosecutor has fairly submitted that he has no objection if the petitioner appears before the Trial Court on the next date fixed and makes prayer for bail before the said Court.

He has also assured this Court that in the meanwhile, the warrant of arrest issued against the present petitioner, would not be executed.

On the other hand, Mr. Tauhid Alom Laskar, learned counsel for the petitioner that the petitioner has not received any summons from the Court as he was at Karimganj and he is ready to appear before the Trial Court on the next date fixed.

In view of the submissions made by learned counsel for the parties, this anticipatory bail application is disposed of with a direction to the petitioner to appear before the Trial Court on the next date fixed, i.e., 02.05.2024.

To facilitate his appearance before the Trial Court, the non-bailable warrant of arrest issued against him shall not be executed till next date fixed i.e., 02.05.2024. On his appearance before the learned Trial Court, the petitioner may make prayer for any relief before the said Court, to which he is legally entitled to .

With the above observation, this anticipatory bail application is disposed of.

JUDGE

Comparing Assistant