GAHC010129702026

2026:GAU-AS:9183

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

Case No. : AB/1395/2026

SAMSUL AHMED
SON OF MUSTAFA UDDIN MUSTAFA AHMED, RESIDENT OF VILLAGE KANDIGRAM, P.O. DASGRAM, P.S. NILAMBAZAR, DISTRICT SRIBHUMI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M A CHOUDHURY, MR A AHMED,MR. A AHMED,U U KHAN,MISS. P M AHMED

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

24.06.2026

Heard Mr. A. Ahmed, the learned counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of Special NDPS Case No.54 of 2025 (arising out of Ratabari P.S. Case No.130/2025) pending in the court of learned Special Judge, Sribhumi, Assam.

3. The petitioner Samsul Ahmed is shown as an absconder in the *charge sheet*. In fact, there are four accused persons in the aforesaid case. Other three accused persons have already appeared in the court below and the present petitioner Samsul Ahmed remains to be present in the court below.

4. The learned counsel for the petitioner submits that he has been shown as an accused in the *charge sheet*. He apprehends that if he appears before the trial court, he shall be remanded to custody for that reason. The petitioner, however, submits that he is interested in facing the trial and therefore, he deserves to be given an opportunity to that effect.

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

6. Since, only the present petitioner remains to be present and other accused persons have already appeared before the trial court, the trial will continue before the trial court.

7. This Court is of the opinion that since the petitioner is willing in facing the trial, he should be given an opportunity to face the trial. Therefore, his petition is allowed.

8. The present petitioner Samsul Ahmed shall appear before the court below on 23.07.2026. On his appearance before the court below i.e. Special Judge, Sribhumi, he shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Special Judge Sribhumi, Assam.

With the aforesaid direction, the bail application is disposed of accordingly.

JUDGE

Comparing Assistant