GAHC010169152026

2026:GAU-AS:11546

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

Case No. : Crl.Pet./1127/2026

LUKMAN HEKIM
S/O LATE BABAR ALI
VILL BATORBORI, P.O DEWAGURI P.S LAHARIGHAT DIST MORIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ALI, MR. J UDDIN,MR J FIRDAUS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 14.08.2026

Heard Mr. M. Ali, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528, BNSS, 2023, the petitioner has challenged the order dated 25.05.2026, passed by the learned Special Judge,

Morigaon, in NDPS Case No. 114/2025.

3. It is to be noted here that vide impugned order dated 25.05.2026, the learned Special Judge, Morigaon ('trial Court', for short) had issued non-bailable warrant of arrest (NBWA) against the petitioner for his non-appearance.

4. Mr. Ali, learned counsel for the petitioner submit that on account of miscommunication between the petitioner and his counsel, the petitioner could not appear before the learned trial Court on 25.05.2026, and that he is ready to appear before the learned trial Court, and therefore, he has contended to allow this petition.

5. Mr. Borthakur, learned Additional Public Prosecutor for the State respondent submits that the petitioner may be directed to appear before the learned trial Court on the date fixed i.e. 31.08.2026, and to apply for fresh bail or to allow him to remain on previous bail, and till then, the NBWA issued against him may be kept in abeyance.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record, and also perused the impugned order dated 25.05.2026.

7. It appears that on 25.05.2026, the petitioner remained absent without any step. However, taking note of the submissions of learned counsel for both the parties, and also considering the facts and circumstances on the record, this Court is inclined to dispose of this petition by directing the petitioner to appear before the learned trial Court on 31.08.2026, and to apply for fresh bail or to allow him to remain on previous bail, and in the event of filing such an application, the learned trial Court shall consider the same, in accordance with law. Till then, the NBWA issued against him shall be kept in abeyance.

8. In terms of above, this petition stands disposed of at this motion stage itself.

JUDGE

Comparing Assistant