GAHC010207832026

undefined

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

Case No. : Crl.Pet./1387/2026

JOHIRUL ISLAM
SON OF ABDUL KADIR, RESIDENT OF VILLAGE - BANGALIPARA P.S. - BILASIPARA, DISTRICT - DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:JAHER ALI
SON OF LATE NASIRUDDIN SK.
R/O VILLAGE - 1 NO. BADHABPARA
P.S. - BILASIPARA
DISTRICT - DHUBRI
ASSAM

Advocate for the Petitioner : MD. A H LASKAR, MR A K SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

05.10.2026

Heard Mr. A.H. Laskar, learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

2. In this petition, under Sections 528/442 of the BNSS, read with Article 227 of the Constitution of India, the petitioner has challenged the order dated

07.04.2026, passed by the learned Additional Sessions Judge, Bilasipara (trial court hereinafter), in Sessions Case No. 26/2018.

3. It is to be noted here that vide impugned order dated 07.04.2026, the learned trial court had issued Non-Bailable Warrant of Arrest (NBWA hereinafter) against the present petitioner.

4. Mr. Laskar, learned counsel for the petitioner submits that the petitioner is an accused in Sessions Case No. 26/2018 and he could not remain present before the learned trial court on 07.04.2026, for which NBWA was issued against him by the learned trail court.

4.1. Mr. Laskar further submits that the petitioner is ready to face the trial and that he will appear before the learned trial court on each and every date and therefore, it is contended to allow this petition.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor submits that the petitioner herein may be directed to appear before the learned trial court and to apply for regular bail and in the event of filing such an application, the learned trial court may be directed to consider the same in accordance with law.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the impugned order dated 07.04.2026, passed by the learned trial court.

7. Accordingly, taking note of the submissions of learned counsel for both the parties and also taking note of the facts and circumstances on the record, this Court is inclined to allow this petition by directing the petitioner to appear before the learned trial court on or before the next date and to file a petition for

allowing him to go on bail and in the event of filing such a petition, the learned trial court shall consider the same in accordance with law.

8. Till then, the NBWA issued against the present petitioner shall be kept in abeyance.

9. In terms of above, this petition stands disposed of.

JUDGE

Comparing Assistant