GAHC010216992026

2026:GAU-AS:14756

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

Case No. : Crl.Pet./1379/2026

SRI SHIVAM PANDEY
SON OF GIRIJESH PANDEY RESIDENT OF E W S 437 RAPTI NAGAR BEHIND SPORT COLLEGE PHASE 4 GORAKHPUR UTTAR PRADESH 273013

VERSUS

STATE OF ASSAM
REPRESENTED BY ITS PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MITRA, MR S.MITRA,A R ANSARI,MR A K BORO

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.10.2026

Heard Mr. S. Mitra, learned counsel for the petitioner and Mr. P. Barthakur, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528 of the BNSS, 2023, the petitioner has challenged the Order, dated 08.09.2026, passed by the learned Additional Chief

Judicial Magistrate, Dima Hasao, Haflong, in PRC Case No. 1/2026, whereby, Non-Bailable Warrant of Arrest (NBWA) was issued against the petitioner.

3. Mr. Mitra, learned counsel for the petitioner submits that the petitioner is the accused in PRC Case No. 1/2026, registered under Section 318(4)/338 of the BNS, 2023, pending before the Court of the learned Additional Chief Judicial Magistrate, Dima Hasao, Haflong.

3.1. Mr. Mitra further submits that the I.O. has completed investigation and submitted charge-sheet and now, the case is pending at the stage of appearance before the learned Additional Chief Judicial Magistrate, Dima Hasao, Haflong.

3.2 Mr. Mitra also submits that on account of illness, the petitioner could not appear before the learned Court below, for which, NBWA was issued against him, and that the next date is fixed on 08.10.2026, for report on NBWA.

3.3 Mr. Mitra further submits that the petitioner is ready to face trial and will appear before the learned Additional Chief Judicial Magistrate, Dima Hasao, Haflong, and as such, he may be allowed to appear before the learned Additional Chief Judicial Magistrate, Dima Hasao, Haflong, and till his appearance, some protection may be granted to him.

4. Per contra, Mr. Barthakur, learned APP, submits that the petitioner may be directed to appear before the learned Additional Chief Judicial Magistrate, Dima Hasao, Haflong, on the date fixed and apply for regular bail.

5. Accordingly, taking note of the submission of the learned counsel for the parties, this Court is inclined to allow this petition.

6. It is provided that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Dima Hasao, Haflong, on the date fixed, i.e., 08.10.2026, and apply for regular bail. And in the event of filing such an application, the learned Trial Court shall consider the same in accordance with law.

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

8. In terms of the above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant