GAHC010219942026

2026:GAU-AS:14900

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

Case No. : Crl.Pet./1403/2026

SHRI RAJDIP BHUYAN
S/O LATE LAKHI BHUYAN, RESIDENT OF 48, ANANDA NAGAR, NEAR HOTEL ARYAN ATITHYA, SIX MILE, KHANAPARA, P.S. DIST. DISPUR, KAMRUPM PIN 781037

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:DR GOPAL CHANDRA NATH
S/O SHRI BC NATH R/O ADITION RESIDENCY
FLAT 3 NO.6GANESH TURNING
BHAGADUTAPUR GUWAHATI-19
DISTRICT -KAMRUP(M) ASSA

Advocate for the Petitioner : MR. R A CHOUDHURY, MR S GAUTAM,MS N BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06.10.2026

Heard Mr. R. A. Choudhury, 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 of the BNSS, 2023, the petitioner, namely, Rajdip Bhuyan, has prayed for setting aside and quashing the order

dated 23.02.2026, whereby the learned Judicial Magistrate First Class, Kamrup (M) at Guwahati has issued Non-Bailable Warrant of Arrest against the petitioner and also he challenged all the subsequent orders passed by the learned Magistrate in connection with CR Case No. 2814/2022.

3. The learned counsel for the petitioner submits that the petitioner herein is an accused in CR Case No. 2814/2022 and he could not appear before the learned Trial court on 23.02.2026, for which the learned Trial Court has issued Non-Bailable Warrant of Arrest against the petitioner and thereafter, the learned Trial Court has continued to issue Non-Bailable Warrant of Arrest against the present petitioner.

4. The learned counsel for the petitioner further submits that at the relevant point of time, the petitioner herein was suffering from serious medical complications relating to kidney and also, there was some miscommunication between the petitioner and his engaged counsel, for which the petitioner remained unrepresented before the learned Trial Court, for which Non-Bailable Warrant of Arrest was issued against him and that the petitioner is ready to face the trial and will appear before the learned Trial Court on the next date fixed and, therefore, he has contended to allow the petition.

5. Mr. P. Borthakur, learned Additional Public Prosecutor however submits that the petitioner 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 counsels for both the parties and

also considering the facts and circumstances on the records, this Court is inclined to dispose of the petition by directing the petitioner to appear before the learned Trial Court on or before 26.10.2026 and to apply for regular bail and to allow him to remain on previous bail and in the event of filing such application, the learned Trial Court shall consider the same in accordance with law.

7. Till then, the Non-Bailable Warrant of Arrest issued against the petitioner, vide order dated 23.02.2026 and all subsequent orders, shall be kept in abeyance.

JUDGE

Comparing Assistant