GAHC010222202026

2026:GAU-AS:15155

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

Case No. : Crl.Pet./1423/2026

SHRI RAJDIP BHUYAN
S/O LATE LAKHI BHUYAN, RESIDENT OF 48, ANANDA NAGAR, NEAR HOTEL ARYAN ATITHYA, SIX MILE, KHANAPARA, P.S. DISPUR, DIST. KAMRUP (M) 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 NO.6
GANESH TURNING
BHAGADUTAPUR
GUWAHATI-19
DISTRICT -KAMRUP
ASSA

Advocate for the Petitioner : MR. R A CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.10.2026

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

2. In this petition, under Section 528 of the BNSS, the petitioner has challenged the order dated 04.11.2024, and all subsequent orders, passed in CR Case No. 4863/2022, whereby the learned Judicial Magistrate First, Kamrup (M) at Guwahati (trial court hereinafter), had issued Non-Bailable Warrant of Arrest (NBWA hereinafter) against the present petitioner.

3. Mr. Choudhury, learned counsel for the petitioner, submits that the present petitioner is an accused in CR Case No. 4863/2022, under Section 138 of the NI Act and that he was regularly appearing before the learned trial court. But, on 04.11.2024, he could not appear before the learned trial court as he was suffering from renal diseases and that his engaged counsel also did not take step before the learned trial court on 04.11.2024 and therefore, the learned trial court had issued NBWA against him.

3.1. Mr. Choudhury further submits that the petitioner is ready to face the trial and will appear before the learned trial court regularly and on such count, he has contended to allow this petition.

4. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, 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.

5. 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 04.11.2024, and all subsequent orders, passed by the learned trial court.

6. It appears that the petitioner could not remain present in the court on 04.11.2024, and further, it appears from the medical documents, enclosed with this petition, especially Annexure No. 3, that he was suffering from renal diseases. Now, he is ready to face trial and will appear before the court on each and every date.

7. Accordingly, taking note of the submissions of learned counsel for both the parties and also considering the explanation so put forwarded by the petitioner for his absence before the learned trial court on 04.11.2024, this Court is inclined to allow this petition.

8. It is provided that the petitioner shall appear before the learned trial court on or before 16.10.2026, and apply for regular bail. In the event of filing such an application, the learned trial court shall consider the same in accordance with law.

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

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

JUDGE

Comparing Assistant