GAHC010224012026

2026:GAU-AS:15095

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

Case No. : Crl.Pet./1415/2026

ABDUL RAHMAN
SON OF LATE SARFAT ALI, RESIDENT OF VILLAGE SOLMARA RUPKURIYA, P O SOLMARA, P S TEZPUR, DISTRICT SONITPUR, ASSAM, PIN 784153.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. S J SARMAH, MR. M P BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.10.2026

Heard Mr. M.P. Borah, learned counsel for the petitioner and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is preferred by the petitioner, namely, Abdul Rahman, for recalling the warrant of arrest issued against him vide orders dated 05.05.2026 and 09.06.2026 and the P&A orders dated 06.07.2026, 14.08.2026 and also the order dated 19.09.2026, by which the petitioner has been declared as proclaimed offender or for staying the execution of warrant of arrest and P&A issued vide order dated 19.09.2026, by the learned Special Judge, Sonitpur, Tezpur.

3. Mr. Borah submits that the petitioner is an accused in the Special NDPS Case No.51/2023, under Section 20(b)(ii)(B) of NDPS Act, pending before the Court of learned Special Judge, Sonitpur, Tezpur and he was regularly appearing in the said case. But, subsequently on 05.05.2026, he could not remain present in the Court and his engaged counsel also failed to take step, for which the learned Trial Court had issued non-bailable warrant of arrest against him and vide subsequent order dated 09.06.2026, and P&A was issued against him, vide orders dated 06.07.2026 and 14.08.2026 and thereafter, vide order dated 19.09.2026, the petitioner has been declared as proclaimed offender. He also submits that there was some miscommunication between the petitioner and his counsel and that the petitioner is ready to face the trial and will appear before the learned Trial Court on each and every date and therefore, he has contended to stay the execution of warrant of arrest and P&A issued against the petitioner.

4. Mr. Borthakur, learned Additional P.P. also 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 and till then, the warrant of arrest and proclamation and attachment issued against him may be kept in abeyance.

5. Having heard the submission of learned counsel for both the parties and also considering the facts and circumstances on the record and the explanation put

forwarded for failing to appear before the learned Trial Court on 05.05.2026, and on subsequent dates, this Court is inclined to dispose of this petition by directing the petitioner to appear before the learned Trial Court on or before 18.10.2026, and to apply for regular 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, non-bailable warrant of arrest issued against him and the proclamation and attachment issued against him shall be kept in abeyance.

6. In terms of above, the criminal petition stands disposed of.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant