GAHC010224022026

2026:GAU-AS:15094

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

Case No. : Crl.Pet./1414/2026

MUSST AMINA KHATUN
WIFE OF SRI ABDUL RAHMAN, RESIDENT OF VILLAGE RUPKHURIYA, BIHAGURI, SONITPUR, TEZPUR, P O SALMARA, 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. S.J. Sarmah, learned counsel for the petitioner and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. In this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the petitioner has prayed for recalling the warrant of arrest, issued against him, vide order dated 04.02.2026, and also the proclamation and attachment issued vide order dated 07.03.2026, and also the order dated 14.05.2026, by which the petitioner has been declared as proclaimed offender.

3. Mr. Sarmah, learned counsel for the petitioner, submits that the petitioner is an accused in Special NDPS Case No.77/2024, under Section 20(b)(ii)(B) of the NDPS Act, pending before the Court of learned Special Judge, Sonitpur, Tezpur. Mr. Sarmah further submits that on account of the illness, the petitioner could not appear before the learned Trial Court on 04.02.2026, and her engaged counsel filed one application showing the cause of her absence. But, due to want of medical document, the learned Trial Court has rejected the application and issued non-bailable warrant of arrest against the petitioner and thereafter, vide subsequent order dated 07.03.2026, proclamation and attachment was issued and thereafter, vide order dated 14.05.2026, the petitioner has been declared as proclaimed offender. Mr. Sarmah also submits that the petitioner is ready to face trial and she will appear before the learned Trial Court on each and every date and therefore, he has contended to give one opportunity to the petitioner to appear before the learned Trial Court and to face trial and to stay execution of the warrant of arrest and P&A issued against her.

4. Per contra, Mr. Borthakur, learned Additional P.P. submits that the petitioner may be directed to appear before the learned Trial Court and to apply for regular bail.

5. Accordingly, taking note of the submission of learned counsel for both the parties, this Court is inclined to dispose of this petition by directing the petitioner to appear before the learned Trial Court on or before 28.10.2026, and to apply for regular bail or to allow her 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, execution of the non-bailable warrant of arrest issued against her and the

proclamation and attachment issued against her and the order dated 14.05.2026, by which she has been declared as proclaimed offender, stands stayed.

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

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant