GAHC010228232026

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

Case No. : I.A.(Crl.)/1053/2026

MD ABDUL HUSSAIN
S/O. MD IBOCHA, R/O. LAKHIPUR, P.O. AND P.S. GOALPARA, DISTRICT GOALPARA, ASSAM. PIN CODE 783129.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. JUNM LASKAR, MS. J GHOSH

Advocate for the Respondent : PP, ASSAM,

Linked Case : OTC/0/0

MD ABDUL HUSSAIN
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P.O. AND P.S. GOALPARA
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VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM GAUHATI HIGH COURT

Advocate for : MS. JEEYA GHOSH
Advocate for : appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 02-11-2026

Heard Ms. J. Ghosh, learned counsel for the applicant. Also heard Mr. P. S. Lahkar, learned Additional PP for the State.

The instant interlocutory application has arisen out of an application filed under section 5 of the Limitation Act, 1963 seeking condonation of delay of 280 days in preferring the accompanying criminal revision petition against the impugned order dated 23.09.2025 passed by the learned Sessions Judge cum Special Judge, Cachar Silchar in NDPS Case No. 74/2025 whereby interim custody of Bolero Pickup vehicle bearing Registration No. AS18AC5847 was granted to the petitioner with the condition that he is to execute a bond along with a bank guarantee. The petitioner is stated to be aggrieved by the direction for execution of the bank guarantee and submitted that in similar matters such bank guarantee was not mandated, although, the petitioner is agreeable to furnishing the bond as the condition for the interim custody. However, there is a delay of 280 days in preferring the connected criminal revision petition for which this interlocutory application has been filed.

It is stated and submitted in para 11 of the petition that the petitioner was unwell and also suffering for severe financial hardships due to which he could not file the criminal revision petition within the period of limitation and by the time it was filed, it involved a delay of 280 days.

The prosecution fairly submits that it has no objection to the condonation of the delay and adjudication of the criminal revision petition on merits.

Considering the projected grounds and in the interest of justice, the delay of 280 days in preferring the connected criminal revision petition is hereby condoned.

The IA stands allowed and disposed of.

The connected criminal revision petition be registered and put up.

JUDGE

Comparing Assistant