GAHC010242392026

2026:GAU-AS:16057

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

Case No. : Crl.Pet./1529/2026

SAHINUR ISLAM
S/O- MONUAR HUSSAIN, VILL.-FULIMARI, P.O.-LAKHIPUR, P.S.-LAKHIPUR, DIST.-GOALPARA, ASSAM, PIN-783129

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. S AHMED, T UDDIN,MR M RAHMAN,MR. F A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.11.2026

Heard Mr. S. Ahmed, learned counsel for the petitioner and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. In this petition under Section 528 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the petitioner has challenged the order, dated

20.08.2025, and all subsequent orders, by which the learned Trial Court has issued non-bailable warrant of arrest against the present petitioner.

3. Mr. Ahmed, learned counsel for the petitioner submits that the petitioner is an accused in G.R. Case No.571/2024, pending before the Court of learned Chief Judicial Magistrate, Udalguri. He also submits that the petitioner was arrested in the said case and he was granted bail by this Court vide order dated 13.09.2024, in Bail Appln. No.2633/2024 and thereafter, the police submitted charge-sheet against the present petitioner. Thereafter, the learned Court below has issued summon to the petitioner, but he has not received the same. And thereafter, vide order dated 20.08.2025, the learned Court below has issued non-bailable warrant of arrest against him.

4. Mr. Ahmed further submits that the petitioner is ready to face trial and will appear before the learned Court below on each and every date and therefore, he has contended to dispose of this petition by directing the petitioner to appear before the learned Court below and also to direct the learned Trial Court to allow him to remain on previous bail.

5. Mr. Baruah, learned Additional P.P. also submits that the learned Court below, without issuing bailable warrant of arrest against the present petitioner, has directly issued non-bailable warrant of arrest, which is contrary to the proposition laid down by Hon'ble Supreme Court in the case of **Inder Mohan Goswami & Another v. State of Uttaranchal & Others**, reported in **(2007) 12 SCC 1**, in respect of issuance of NBWA.

6. Having heard the submission of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record and also perused the impugned order, dated 20.08.2025, and all subsequent orders, by which non-bailable warrant of arrest was issued against the present petitioner. And also gone through the order dated 13.09.2024, by which this Court was pleased to grant bail to the petitioner in Bail Appln. No.2633/2024.

7. Accordingly, taking note of the submission of learned counsel of both the parties and also considering the facts and circumstances on the record, this Court is inclined to dispose of this petition by directing the petitioner to appear before the learned Chief

Judicial Magistrate, Udalguri, on or before 07.11.2026, and to apply, either to allow him to remain on previous bail or to grant him fresh bail and in the event of filing such an application, the learned C.J.M., Udalguri, shall consider the same in accordance with law.

8. Till then, the non-bailable warrant of arrest issued against the petitioner, shall be kept in abeyance.

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

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant