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

Case No. : AB/2780/2026

SHRI DANIEL L HMAR
SON OF LATE LALTHANGMOIA HMAR RESIDENT OF SANGAIPROU
MAMANG LEIKAI AIRPORT ROAD IMPHAL MANIPUR 795001

VERSUS

CENTRAL BUREAU OF INVESTIGATION
THROUGH CBI SIT MANIPUR VIOLANCE BETKUCHI NH 37 GORSHOUK
GUWAHATI 781035 ASSAM THROUGH THE STANDING COUNSEL CENTRAL
BUREAU OF INVESTIGATION.

Advocate for the Petitioner : MR. R J DAS,

Advocate for the Respondent : SC, CBI,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 03.11.2026

Heard Mr. R.J. Das, learned counsel for the applicant. Also heard Ms. M. Kumari, learned standing counsel, CBI for the respondent.

2. Apprehending arrest in connection with CBI Case No. RC056202 3S0015, dated 23.08.2023, originally registered under Sections 354/34 of the IPC, read

with Section 27 of the Arms Act, 1959, corresponding to C.R. Case No. 34/2025, this application under Section 482, BNSS has been preferred by applicant, namely, Shri Daniel L. Hmar, for grant of pre-arrest bail.

3. Mr. Das, learned counsel for the applicant submits that the applicant herein is an accused in C.R. Case No. 34/2025, pending before the learned Chief Judicial Magistrate, Kamrup(M), Guwahati ('trial Court', for short), wherein the learned trial Court had taken cognizance, vide order dated 02.01.2025, under Sections 323/354 of the IPC, and now the matter is pending for appearance. Mr. Das also submits that however, on 15.06.2026, the applicant failed to appear before the learned trial Court, for which the learned trial Court had issued Non-bailable Warrant of Arrest (NBWA) against him.

3.1. Mr. Das further submits that the applicant is ready to face the trial and will appear before the learned trial Court on the next date fixed i.e. tomorrow, and that till his appearance before the learned trial Court, the NBWA issued against him, vide order dated 15.06.2026, may be kept in abeyance and the learned trial Court may be directed to consider the application to be filed before it by the applicant for granting regular bail, in accordance with law.

4. Per contra, Ms. Kumari, learned standing counsel, CBI submits that the applicant has also filed one revision petition, being Crl.Rev.P. No. 307/2026, and he remained present before this Court on earlier occasion, but he failed to appear before the learned trial Court without just ground, and as such, she has opposed the application.

5. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the application and the documents placed on record.

6. It appears that the learned trial Court before issuing Bailable Warrant of Arrest, had directly issued NBWA, vide order dated 15.06.2026, which is contrary to the proposition laid down by Hon'ble Supreme Court in the case of **Inder Mohan Goswami & Another vs. State Of Uttaranchal & Others,** reported in **(2007) 12 SCC 1**, in respect of issuance of NBWA.

7. Accordingly, taking note of the submissions of learned counsel for both the parties, and also considering the proposition laid down by Hon'ble Supreme Court in the case of **Inder Mohan Goswami (supra)**, this Court is inclined to dispose of this application by directing the applicant to appear before the learned trial Court on 04.11.2026, and to apply for regular bail and in the event of filing such an application, the learned trial Court shall consider the same, in accordance with law.

8. Till then, the NBWA issued against the applicant, vide order dated 15.06.2026, shall be kept in abeyance.

9. In terms of above, this AB stands disposed of.

JUDGE

Comparing Assistant