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

Case No. : Crl.Pet./1642/2026

SRI BILLAL HUSSAIN
SON OF MIYA HUSSAIN, RESIDENT OF VILLAGE-KOLONI JALAH, P.S. - JURIA, DISTRICT NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : A B T HAQUE, BHASKAR DUTTA,MS. P DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

25.11.2026

1. Heard Mr. A.B.T. Haque, learned counsel appearing for the petitioner. Also heard Ms. A. Begum, learned APP appearing for the State of Assam.

2. By this application filed under Section 528 of the BNSS, 2023 the petitioner has prayed for setting aside the order dated 20.05.2025 and the subsequent orders passed by the learned Sessions Judge, Nagaon in Sessions T-2 Case No. 47/2020 whereby non-bailable warrant of arrest (NBWA) was issued against the

petitioner.

3. The case of the petitioner is that an FIR was lodged against him on 21.06.2019 which was registered as Kampur P.S. Case No. 155/2019 under Section 25(1)(A) of the Arms Act. The petitioner further submits that he had moved an application for bail on 28.08.2019 and was granted bail by this Court vide the said order. It is further submitted that the petitioner appeared before the learned trial court as and when required. However, during the COVID-19 pandemic he was staying in another State to earn his livelihood and as such could not appear before the learned court on a few dates. He remained absent from 18.07.2023 onwards as well as on the subsequent dates.

4. The learned counsel for the petitioner further submits that vide order dated 20.05.2025 and the subsequent orders a non-bailable warrant of arrest (NBWA) was issued against the petitioner. He further submits that the petitioner had no intention of avoiding the proceedings of the learned trial court as he had appeared before the court on the initial dates. It is further submitted that the petitioner undertakes to appear before the learned Sessions Judge, Nagaon on the next date fixed without fail.

5. Ms. A. Begum, learned Additional Public Prosecutor, on the other hand submits that there is no infirmity in the order passed by the learned trial court issuing the NBWA against the petitioner, as he had failed to appear before the court not merely on one or two occasions but continuously since 18.07.2023.

6. Upon consideration of the submissions made by the learned counsel for the parties, this Court finds as follows:

It is noticed that the petitioner had appeared before the learned trial court after obtaining the bail order from this Court in the year 2019. It is the specific

case of the petitioner that during the COVID-19 pandemic, he had taken up employment in another State and as such could not appear before the learned trial court and had also lost contact with his counsel. He however undertakes to appear before the learned trial court on the next date fixed without fail.

7. In view of the above, this Court directs the petitioner to appear before the learned trial court within a period of 15 (fifteen) days from the date of this order and thereafter to appear before the learned trial court as and when required without fail.

8. The petitioner is also granted the liberty to file an application for bail, if so advised which shall be considered by the learned trial court in accordance with law.

9. It is further directed that the orders issuing NBWA against the petitioner shall remain in abeyance till the petitioner appears before the learned trial court within the stipulated period.

10. The petition stands disposed of.

JUDGE

Comparing Assistant