GAHC010281552025

2026:GAU-AS:80

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

Case No. : Crl.Pet./1628/2025

POLASH GHOSH
S/O- KRISHNA GHOSH R/O-VILLAGE-CHAKDAH, P.O- CHAKDAH P.S-KRISHNA NAGAR, DISTRICT-NADIA, WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S A AHMED, MS. K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 05.01.2026

Heard Mr. S.A. Ahmed, learned counsel for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

2. In a First Information Report [FIR] registered on 18.06.2012 as Bilasipara Police Station Case no. 436/2012, the petitioner was one of the two named accused persons. Allegations were leveled against the petitioner for commission of the offences under Sections

420/468, Indian Penal Code [IPC] read with Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ['the NDPS Act', for short]. Based on receipt of secret information that a truck bearing registration no. WB-23/B-0126 ['the subject-vehicle'] was carrying illegal drugs [phensedyl], the subject-vehicle was intercepted by police personnel on 18.06.2012 and searched. On search, 239 nos. of cartons of phensedyl [containing 50 nos. of bottles in each carton] was recovered and seized. The petitioner and the other accused were the two occupants of the subject-vehicle. In the course of investigation, the petitioner was arrested on 19.06.2012. Subsequently, the petitioner was released on bail. After completing investigation into Bilasipara Police Station Case no. 436/2012, a charge-sheet under Section 173[2], CrPC was submitted vide Charge-Sheet no. 315/2021 on 07.08.2021 finding a prima facie case established against the petitioner and one Somir Mandol for committing the offences under Sections 22[c]/29 of the NDPS Act.

3. It is the case of the petitioners that on receipt of summons from the Court of Special Judge, Bilasipara, where the trial is presently pending, the petitioner appeared before the Special Court on 03.03.2022. On a prayer being made, the petitioner was allowed to be released on bail. The petitioner continued to appear before the Special Court till 14.06.2022. However, the petitioner did not appear in person before the Special Court during the period from 25.07.2022 to 07.01.2023 and his learned engaged counsel took steps on his behalf during the said period. On 01.03.2023, the petitioner did not appear in person. Since 01.03.2023, the petitioner made default in appearing before the Special Court in person. No steps were also taken on his behalf by the learned engaged counsel for the petitioner since 01.03.2023.

4. Recording the default, the Special Court issued warrant of arrest against the petitioner on 01.03.2023 and on all subsequent dates, 12.04.2023, 07.06.2023, 11.08.2023, 06.10.2023, 08.12.2023, 17.02.2024, 23.04.2024, 25.06.2024, 08.08.2024, 05.10.2024, 06.12.2024, 01.02.2025, 20.03.2025, 08.05.2025, 05.07.2025, 30.08.2025 and 19.11.2025.

5. The petitioner is before this Court by the instant criminal petition seeking setting aside of the orders issuing non-bailable warrants of arrest [NBWA] issued against the petitioner by the Order dated 01.03.2023 and on all subsequent dates by the Special Court.

6. I have gone through the reasons assigned by the petitioner regarding his non-appearance for the period of about two years ten months from 01.03.2023 till date.

7. Having found no satisfactory explanation about his absence for the prolonged period from 01.03.2023 till date, this Court finds no ground to interfere with the Order dated 01.03.2023 as well as the subsequent Orders passed by the Special Court issuing NBWAs against the petitioner. Resultantly, this criminal petition is dismissed.

8. It is for the petitioner to appear before the Special Court and to participate in the trial.

JUDGE

Comparing Assistant