**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 47378 of 2026**

Hafiz Ali

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Applicant(s) | : | Ajai Kumar, Chandrabhan |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 75**

**HON'BLE SANJAY KUMAR PACHORI, J.**

Supplementary affidavit filed today, which is taken on record.

Heard Shri Ajai Kumar, learned counsel for the applicant and Sri Abhishek Kumar, learned A.G.A. for the State are present.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed to quash the order dated 30.9.2026, passed in criminal case No. 414 of 2014 (State Vs. Mubarak Ali & others), arising out of case crime No. 123 of 2013, under Sections 3/5A/8 of Prevention of Cow Slaughter Act & Section 11 of Animal Cruelty Act, Police Station Kone, District Sonbhadra, whereby Non Bailable Warrant has been issued against the applicant and proceeding under Section 82 & 83 of Cr.P.C. has been initiated, pending in the Court of Additional Civil Judge (Junior Division)/Judicial Magistrate, Duddhi, Sonbhadra.

Learned counsel for the applicant submits that the present trial is pending and during trial, the applicant was on bail. It is further submitted that the impugned order has been passed without satisfying itself that the summon and other process for attendance has been served. It is further submitted that the impugned order has been passed without considering the position of law. It is settled position of law that N.B.W. should be issued as a last resort after the litigant fails to respond the notices/summons and bailable warrant. It is further submitted that non-bailable warrant has been issued without issuing any summon and bailable warrant.

Learned A.G.A. has opposed the application.

Considering submissions of learned counsel and perusing record, the instant application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 is finally disposed of with a direction that in case applicant appears before the court below within three weeks from today and applies for bail/recall of non bailable warrant, his application shall be decided in the light of the observations made in the judgments rendered by the Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation & Another, (2021) 10 SCC 773, Siddharth Vs. The State of Uttar Pradesh & Another 2022 (11) SCC 676 and Aman Preet Singh Vs. C.B.I. through Director 2021 SCC Online SC 941.**

For a period of three weeks from today or till applicant appears before the court below, whichever is earlier, execution of non bailable warrant against applicant shall be kept in abeyance.

**(Sanjay Kumar Pachori,J.)**

**October 28, 2026**
KJ

Digitally signed by :-
KAMARJAHAN ANSARI
High Court of Judicature at Allahabad