

GAHC010002632026



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

Case No. : Crl.Pet./33/2026

ASRAFUL ALOM
S/O ASIM ALI, R/O OAWARD, GAURIPUR, WARD NO. 1, DHUBRI 783331,
DHUBRI.

VERSUS

STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM.

2:MANORA BIBI
MANORA BIBI
D/O MANOWAR HUSSAIN
R/O SUPER MARKET GAURIPUR
WARD NO. 1
DHUBRI 78333

Advocate for the Petitioner : MR. A CHOUDHURY, MR S ISLAM,Z DUTTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.01.2026

Heard Mr. A Choudhury, the learned counsel appearing for the petitioner. Also heard Mr. Bankim Sarma, the learned Addl. Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 528 of the BNSS, 2023 in respect of PRC Case No. 1820/2023 pending in the Court of the learned Judicial Magistrate 1st Class, Dhubri.

3. The petitioner Asraful Alom has been shown as absconder in the charge sheet, which alleges commission of a Sessions triable offence.
4. Since the petitioner has been shown as absconder in the charge sheet, the learned Trial Court of Judicial Magistrate 1st Class, Dhubri issued Non-Bailable warrant of Arrest against the petitioner.
5. The learned counsel for the petitioner submits that he was in the state of Karnataka for earning his livelihood and for that matter, he could not appear before the trial court.
6. The learned counsel for the petitioner submits that the petitioner is interested in facing the trial and therefore, he deserves to be given adequate opportunities to that effect.
7. I have considered the submissions made by the learned counsel of both sides.
8. This Court is of the opinion that since the petitioner is interested in facing the trial, he deserves to be given adequate opportunity to that effect. Since the petitioner is interested in facing trial, this Court is of the opinion that all orders directing issue of NBWA against Asraful Alom shall stand set aside.
9. The petitioner, namely, Asraful Alom shall appear before the Court of the learned Judicial Magistrate 1st Class, Dhubri in respect of PRC Case No. 1820/2023 and on his appearance, he shall be released on bail of ₹25,000/- to the satisfaction of the learned Judicial Magistrate 1st Class, Dhubri.
10. It is hereby directed that the petitioner Asraful Alom shall appear regularly before the trial court on each and every date of hearing and if he fails to appear, the learned trial court shall be at liberty to procure his attendance in accordance with the procedures as laid down by law.

With the aforesaid direction, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant