

GAHC010030852026



2026:GAU-AS:2696

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

Case No. : Crl.Pet./246/2026

JASHMITA NATH ALIAS GIRI
D/O BHASKAR JYOTI NATH, R/O H NO 15, JYOTINAGAR TINIALI,
BAMUNIMAIDAN, PS CHANDMARI, DIST KAMRUP M, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D MEDHI, S YESMIN, MR K THAKUR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 23.02.2026.

Heard Ms. S. Yesmin, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Addl. P.P., Assam appearing on behalf of the State respondent No.1.

This is an application under Section 528 of the BNSS, 2023 praying for

quashing/setting aside the order dated 06.02.2026, issued by the Court of learned Chief Judicial Magistrate, Kamrup (M) at Guwahati in PRC Case No.2988/2022 (arising out of Geetanagar P.S. Case No.166/2022, under Section 21(a) of the NDPS Act.

It is submitted by Ms. Yesmin, learned counsel that the present accused petitioner was charge sheeted in the case and after filing of the charge sheet, in one occasion, one adjournment was prayed for by her engaged counsel but thereafter she could not appear before the learned Trial Court and since 05.10.2023, the NBWA was issued against her and finally on 19.12.2024, the learned Trial Court below had issued the NBWA along with P&A against her. But the petitioner was not aware about the issuance of the NBWA against her due to change of her address and from the order itself, it is seen that the NBWA was never executed as she was not found in her addressed locality. Further, the petitioner was admitted in rehabilitation center from 06.05.2024 till 09.06.2025, when she got discharged from the rehabilitation center. Some documents are also been annexed with the present criminal petition to substantiate the plea that she was admitted in the rehabilitation center for de-addiction purpose.

Ms. Yesmin, the learned counsel that the accused petitioner however submitted that when the petitioner came to know about the same, the present petition has been filed and she is ready and willing to appear before the learned Trial Court below and to contest the case accordingly, if the NBWA and the P&A issued against her is stayed/suspended.

In that context, Mr. Sarma, learned Addl. P.P., Assam appearing for the State respondent submitted that it is seen that even before her admission as well as

her discharge from the rehabilitation center, she never appeared before the learned Trial Court below, for which the case is delayed in disposal. After coming to know about the issuance of the NBWA and the P&A, the present petitioner has been filed by the present petitioner and hence, he raised objection and submitted that the learned Trial Court below had rightly passed the order of issuance of the NBWA and the P&A and there is no need of any interference of this Court, in the orders passed by the learned Trial Court below.

Hearing the entire submissions made by the learned counsel for the parties, I have also perused the case record and the annexure filed along with the petition, wherefrom it is seen that the petitioner remained absent since 2023 and hence, finding no other alternative, the NBWA and the P&A had to be issued against her. But from the order passed by the learned Trial Court below, it also reveals that the NBWA was not executed against her as she was absent in her addressed locality and subsequently she stayed with her mother in different places. However, in the same time, it also cannot be denied that for the absence of the present petitioner, there is delay in disposal of this case and there is no proper explanation to that regard as to why she could not appear before the learned Trial Court below prior to her admission in the rehabilitation center or after her discharge there from.

However, considering all other aspects of the case vis-à-vis her admission in the rehabilitation center, etc., if find that one more chance may be given to the present petitioner to appear and contest the case before the learned Trial Court below.

In view of this, the NBWA and the P&A issued against the petitioner will be

stayed/suspended till 15 (fifteen) days from today, with a direction to the present petitioner to appear before the learned Trial Court below with an appropriate application for bail, which may be considered in accordance with the law.

With the above observation, this petition stands disposed.

JUDGE

Comparing Assistant