

GAHC010035772026



2026:GAU-AS:3048

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

Case No. : Crl.Pet./271/2026

MD ASHADUL HOQUE
S/O AHMED ALI
VILL- BALITIKA
P.S. LALUK
DIST. NORTH LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ALI, H R KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27-02-2026

Heard Mr. M. Ali, the learned counsel for the petitioner. Also heard Mr. P. Borthakur, the learned Addl. PP appearing on behalf of State respondent.

2. This is an application u/s 528 of the BNSS, 2023 against the impugned order dated 30.10.2025 passed by the learned JMFC, Sonitpur, Tezpur in PR Case No. 429/2025, whereby Non Bailable Warrant of Arrest has been issued against him for his non-appearance and also prayed for quashing of the subsequent orders.

3. It is submitted by Mr. Ali that the present petitioner was ready and willing to appear before the Trial Court below and to face the trial and after receiving summons, he engaged a counsel who also took steps on his behalf on 25.09.2025 and that next date was fixed on 30.10.2025. But, the next date was not intimated to him and immediately on 30.10.2025 itself his engaged counsel asked him to appear before the learned Trial Court below. But, he could not appear before the Court as he was in Arunachal to earn his livelihood. Thereafter when he came from Arunachal, he came to know only about issuance of warrant against him on 14.12.2025. However, the petitioner is ready and willing to contest the case by appearing before the learned Trial Court below, if he is provided with some interim protection.

4. Mr. Borthakur, the learned Addl. PP submitted in this regard that one chance may be given 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 law.

5. Hearing the submissions made by learned counsel for both sides and considering all other aspects of the case, the petitioner is hereby directed to appear before the learned Trial Court below within 15 (fifteen) days from the date of order with an appropriate application for bail, which may be considered in accordance with law. However, till 15 days from the date of order, the NBWA and P&A issued against the present petitioner is stayed/suspended.

6. With the above observations, this criminal petition stands disposed of.

JUDGE

Comparing Assistant