

GAHC010037052026



2026:GAU-AS:3049

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

Case No. : Crl.Pet./276/2026

AMIR UDDIN
S/O- LATE ABDUL ALI, R/O- VILL- CHANKHOLA, P.O.- KOCHUA, P.S.-
KAMPUR, DIST- NAGAON, ASSAM, PIN-782426

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P. ASSAM

Advocate for the Petitioner : MR S C DAS, MR S HUSSAIN, D R BONGSHIARY, P
BURAGOHAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 27.02.2026.

Heard Mr. S.C. Das, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing on behalf of the State respondent.

This is an application under Section 528 of the BNSS, 2023 seeking quashing/recalling of the custody warrant dated 22.01.2026, issued against the petitioner by the Court of learned Judicial Magistrate First Class, Nagaon in PRC

Case No.1582/2022.

Mr. Das, learned counsel for the petitioner submitted in this regard that earlier the present petitioner preferred a Criminal Petition before this Court seeking interim protection and also made a prayer for suspension of his warrant of arrest and vide its order dated 19.01.2026, in Criminal Petition No.1528/2025, the petitioner was asked to appear before the learned Trial Court within 15 days from the date of order with an appropriate application for bail, suspending/staying the NBWA issued against the petitioner. The learned counsel further submitted that in pursuant to that order dated 19.01.2026, the petitioner appeared before the learned Trial Court below with a bail application and the said bail application was rejected basically on two grounds : (1) for seriousness of the offence and (2) bail of the present petitioner at this stage may hamper the process of committing the case before the Sessions Judge.

The petitioner was in the Court premises upto 4:00 P.M. and thereafter he had to rush immediately to his house due to some medical emergencies of his family members and thus, he was not in custody though the custody warrant was issued against him. The learned counsel for the petitioner further submitted that it is only for the medical emergency could not physically present before the Court at the time of issuance of the custody warrant. However, the petitioner is still ready and willing to contest the case by appearing before the learned Trial Court, if some interim protections are provided to him.

Mr. Borthakur, the learned Addl. P.P., Assam submitted in this regard that from the submissions made by the learned counsel for the petitioner as well as the record itself it is seen that after the earlier rejection order of bail on 22.01.2026,

the petitioner fled away from the Court premises, for which the custody warrant could not be executed or he could not be taken into custody. Accordingly, he submitted that no interim protection could be provided to the present petitioner. However, he may surrender before the learned Trial Court with an appropriate application for bail.

Considering the submissions made by learned counsel for both sides, it is seen that after considering his earlier prayer, this Court in Criminal Petition No.1528/2025 had suspended/ stayed the NBWA issued against him with a direction to appear before the learned Trial Court below within 15 days but it seems that even after the said order and rejection of his bail application, the petitioner could not be taken into custody, as he was not available at the relevant point of time.

In view of this and considering other aspects of the case, this Court is of the opinion that no interim protection can be provided to the petitioner at this stage. However, he is directed to surrender before the learned Trial Court immediately with an appropriate application for bail, which may be considered in accordance with the law.

With the above observation, this present criminal petition stands disposed of.

JUDGE

Comparing Assistant