

GAHC010079062026



2026:GAU-AS:6152

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

Case No. : Crl.Pet./577/2026

ZAKIR HUSSAIN
S/O LATE JAHID ALI
R/O SATGAON, AMBARI, OPPOSITE SCHOLAR SCHOOL, P.S. SATGAON,
DIST. KAMRUP (M), ASSAM.

VERSUS

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

2:SI(P) PRANAB SHILL

S/O PRABHAT SHILL
SATGAON POLICE STATION
SATGAON
GUWAHATI-71
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR S M ABDULLAH P, MR. A DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 06-05-2026

Heard learned counsel Mr. S.H. Sikdar on behalf of learned counsel Mr.

S.M. Abdullah P for the petitioner, who has filed this application under Section 528 of the Bharatiya Nagarik Surakasha Sanhita, 2023 (BNSS for short) with prayer for quashing the impugned order dated 17.10.2025 and subsequent orders dated 16.12.2025 and 21.02.2026, passed by the learned Special Judge (NDPS), Kamrup (M), Guwahati in connection with NDPS Case No. 73/2023 under Sections 22(c)/20(b)(ii)(B) of the Narcotic Drugs Psychotropic Substances Act, 1985 arising out Satgaon Police Station Case No. 13/2023.

2. It is submitted that NBWA was issued against the petitioner on 17.10.2025 and thereafter. It is submitted that the petitioner was not aware that he had to appear and his engaged counsel also did not inform him that he had to appear before the learned Trial Court. It is further submitted that the petitioner is willing to cooperate with the trial.

3. Heard learned Additional Public Prosecutor Mr. B. Sarma for the respondent State, who has raised objection stating that the petitioner has already violated the bail conditions imposed upon him vide order dated 23.06.2025 in connection with Bail Appln./1847/2025.

4. I have considered the submissions at the bar with circumspection. I have considered the submission that the petitioner is willing to cooperate with the trial. A pragmatic view is taken. It is not required to keep the case pending. Therefore, the NBWA issued against the petitioner vide orders dated 17.10.2025, 16.12.2025 and subsequent orders, are kept in abeyance till 28.05.2026 and the petitioner is directed to appear before the learned Trial Court on 28.05.2026 and cooperate with the trial. The petitioner may apply for bail which may be considered by the learned Trial Court in accordance with law.

5. In terms of the above observation, this petition stands disposed of.

JUDGE

Comparing Assistant