

GAHC010105992026



2026:GAU-AS:7575

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

Case No. : Crl.Pet./757/2026

SRI UTPAL BORA ALIAS BORAH
SON OF BENUDHAR BORA, RESIDENT OF VILLAGE- CHOWKHAM, P.S.
AND DIST- DHEMAJI, ASSAM.

VERSUS

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

2: BASANTA SAIKIA SI P
DHEMAJI POLICE STATION
DIST- DHEMAJI
ASSA

Advocate for the Petitioner : MR. B HALDAR, MR H J MEDHI, MR B KARDONG

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 01.06.2026

- 1.** Heard Mr. B. Haldar, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of Special (NDPS) Case No.25/2023, arising out of Dhemaji P. S. Case No.82/2023, pending in the Court of the learned Special Judge, Dhemaji.
- 3.** The petitioner, Utpal Bora @ Borah is an accused before the Trial Court. Earlier he was appearing before the Trial Court but, subsequently he stopped appearing and as such the Trial Court Directed issue of NBWA against him.
- 4.** The petitioner submits that he had to go outside of Assam for in search of livelihood. Therefore, he did not appear before the Trial Court and the Trial Court declared him as an absconder.
- 5.** The petitioner submits that he is interested in facing the trial, therefore he should be given some opportunity to that effect.
- 6.** Learned Additional Public Prosecutor has objected to this criminal petition.
- 7.** I have considered the submissions made by the learned counsel for both sides.
- 8.** Since the petitioner is interested in facing the trial, this Court is of the opinion that the petitioner deserves to be given adequate opportunity to that effect.

Therefore, his application is allowed.

9. The orders directing issue of NBWA as well as P&A against the petitioner, Utpal Bora @ Borah by the learned Special Judge, Dhemaji in respect of Special (NDPS) Case No.25/2023 are set aside.

10. The petitioner, Utpal Bora @ Borah is directed to appear before the Court of the learned Special Judge, Dhemaji in respect of Special (NDPS) Case No.25/2023 within a period of 7 (seven) days from today and on his appearance, he shall be released on fresh bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Special Judge, Dhemaji.

11. With the aforesaid direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant