

GAHC010210052025



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

Case No. : Crl.Pet./1160/2025

SRI BINOD BRAHMA AND 2 ORS
SON OF BABURAM BRAHMA VILLAGE- MAJULI, P.S. UDALGURI DISTRICT
UDALGURI, ASSAM

2: SRI PRONoy KUMAR BRAHMA
SON OF LATE NARAD CHANDRA BRAHMA VILLAGE DOHORAPARA PS
AND DISTRICT UDALGURI ASSAM

3: SRI JONEN NARZARY
SON OF LATE DUISARAM NARZARY VILLAGE- MAJULI
PS AND DISTRICT- UDALGURI ASSA

VERSUS

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

2:THE INVESTIGATING OFFICER

BIKASHJYOTI DEKA I/C BHAWNIPUR O.P. BARPETA POLICE STATIO

Advocate for the Petitioner : S KAUR, L BANIK

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : --26.02.2026

Heard Ms. L. Banik, the learned counsel for the petitioners. Also heard Mr. P. Borthakur, the learned Addl. PP appearing on behalf of State respondent.

2. This is an application u/s 528 BNSS praying for quashing of charge-sheet of NDPS Case No. 01/2023 vide C.S. No. 1188 dated 31.11.2022 pending before the learned Court of District & Sessions Judge, Bajali.

3. Issue Notice to the respondents through Speed Post and usual process.

4. No formal notice is required to be served to the State respondent nos. 1 & 2. However, copy of the petition may be served during the course of the day.

5. It is submitted by Ms. Banik that two cases have been registered against the three petitioners, one is pending in the Court of District & Sessions Judge, Bajali. It is submitted that two charge-sheets have been filed, one is in connection with Nalbari P.S. and other one in connection with Barpeta P.S. and both the cases are pending, one before the learned Sessions Judge, Nalbari and other one is pending before learned Sessions/ Special Judge, Bajali. It is submitted that these three accused/petitioners were forwarded and shown arrested in connection with both the cases out of same cause of action and out of same seizure list. Accordingly she submitted that the second/subsequent FIR and the charge-sheet is liable to be quashed and accordingly submitted that the case which is pending before the learned Special Judge/Sessions Judge, Bajali may be stayed, till disposal of the present petition.

6. Mr. Borthakur submitted that there is no mention anything about the Nalbari P.S. at this stage nor the number of the case has been mentioned here. It is submitted that scanned copy of the TCR along with Case Diary may be called for in connection with Barpeta P.S. which is at present pending before the learned Sessions Judge/Special Judge, Bajali.

- 7.** In view of this, let the scanned copy of the TCR along with the Case Dairy be called for NDPS Case No. 01/2023 pending before the Court of learned Sessions Judge/Special Judge, Bajali.
- 8.** Further proceeding of case, which is pending before the learned Special Judge/Sessions Judge, Bajali may be stayed till next date of listing, as it is stated to be second/subsequent FIR.
- 9.** List the matter accordingly after 3 (three) weeks, as on a date to be fixed by the Registry.
- 10.** Further Registry is hereby directed to call for the scanned copy of the TCR along with Case Diary in connection with NDPS Case No. 01/2023 pending before the Court of learned Special Judge/Sessions Judge, Bajali.

JUDGE

Comparing Assistant