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

Case No. : Crl.Pet./486/2025

RAFIKUL ALI @ RAFIK ALI
S/O MINHAZ ALI
VILL- THEKA GAON,
KAYAKUCHI
P.S. BARPETA,
DIST. BARPETA, ASSAM

VERSUS

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

2:SUMIT TALUKDAR
SUB-INSPECTOR OF POLICE

IN-CHARGE
KAYAKUCHI OUT POST

P.O. KAYAKUCHI

P.S. AND DIST. BARPETA
ASSAM
PIN-78135

Advocate for the Petitioner : MR. R ALI, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30.04.2025

- 1.** Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State of Assam.

- 2.** This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in respect of Special (NDPS) Case No.28/2024, pending in the Court of learned Special Judge, Barpeta

- 3.** The petitioner Rafikul Ali @ Rafik Ali has been shown as an absconder in the Charge-Sheet, therefore he apprehends that he may be remanded to custody after he appear before the Trial Court.

- 4.** The learned counsel for the petitioner submits that the petitioner wants to contest this case and, therefore, he should be given one opportunity to that effect.

- 5.** I have considered the submissions made by learned counsel for both the sides.

- 6.** Since the petitioner is interested in facing the trial, he deserves to be given one opportunity to that effect.

- 7.** Therefore, the application filed by the petitioner is allowed.

- 8.** The petitioner Rafikul Ali @ Rafik Ali is directed to appear before the Court of learned Special Judge, Barpeta in respect of Special (NDPS) Case No.28/2024 within next 10(ten) days from today.

9. On his appearance, the petitioner Rafikul Ali @ Rafik Ali shall be released on fresh bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Special Judge, Barpeta, Assam.

10. With the aforesaid direction, the Criminal Petition stands disposed of.

JUDGE

Comparing Assistant