

GAHC010124762024



2024:GAU-AS:12256

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

Case No. : Bail Appln./1818/2024

AVDESH KUMAR ROY
S/O KAILASH ROY
R/O VILL- NAWA NAGAR,
P.S. BIDDUPUR
DIST. VAISHALI, BIHAR

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. S K NARGIS, MS N SULTANA, MS S BEGUM

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

04-12-2024

Heard Ms. S. K. Nargis, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 439 CrPC, the petitioner, namely, **Avdesh Kumar Roy**, son of Kailash Roy, resident of Village- Nawa Nagar, P.S.-Biddupur, District-Vaishali, Bihar is seeking bail in **Rangia GRPS Case No. 13/2024** registered under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985, corresponding to G.R. No. 145/2024, wherein, he was arrested on 13.02.2024 and in custody since then.

3. The petitioner has filed this bail application on 19.06.2024.

4. The Court by order dated 24.06.2024 called for the case diary and by another order dated 31.07.2024 called for the scanned copy of the records of the case, as it was submitted that charge-sheet in the case has already been laid against the petitioner.

5. The Court of learned Special Judge (NDPS), Rangia, Kamrup, after the order of the Court dated 31.07.2024, immediately forwarded the scanned copy of the records of NDPS Case No. 24/2024 arising out of said Rangia GRPS Case No. 13/2024 that contains order only upto 29.07.2024. However, the charge-sheet in the case filed by the authority concerned in the said Rangia GRPS Case No. 13/2024 is not available in the case records.

6. From the order dated 29.07.2024, passed by the learned Special Judge (NDPS), Rangia, Kamrup in said NDPS Case No. 24/2024, it is seen that cognizance under Sections 20(b)(ii)(C)/29 of the NDPS Act, 1985 has been taken against the petitioner and the other arrested accused of the case.

- 7.** It is submitted by Ms. Nargis, learned counsel for the petitioner that 09.12.2024 is the date fixed for framing of charge.
- 8.** On instruction of the petitioner, Ms. S. K. Nargis, learned counsel prays for withdrawal of this bail application, to which Mr. B. Sarma, learned Addl. PP, Assam has no objection.
- 9.** Prayer is allowed.
- 10.** Accordingly, this bail application stands dismissed, on withdrawal.

JUDGE

Comparing Assistant