

02.12.2024
Item No.26
Court No.1
(GB)
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) 523 of 2024

In Re: - An application for bail under section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 in connection with **Jaigaon** Police Station Case No.26/2024 dated **31.01.2024** under Sections 21(c)/25/29 of NDPS Act, 1985.

And

In the matter of: **Akash Mangar @ Ashok Mangar**

....Petitioner.

Mr. Sourav Ganguly,
Mr. Gopal Roy,
Ms. Rishita Chakraborty

...for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Subhasis Misra

... for the State.

1. The petitioner prays for bail on the ground of prolonged incarceration as also on the ground that the co-accused is on bail. It is submitted that although charge-sheet has been submitted, the copy has not been served. 15 witnesses have been cited in the charge-sheet.
2. Learned advocate for the State produces the case diary and opposes the prayer for bail. He submits that the co-accused fled from the spot and hence, contraband article was recovered from the possession of the petitioner.
3. Considering the materials on record, the nature and manner in which the seizure and inventory had taken place, the fact that the petitioner is in custody for 306 days as also the fact that the co-accused is on bail and there is no possibility of early conclusion of trial, we are inclined to grant

bail to the petitioner upon furnishing a bond of Rs.25,000/-with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned District and Sessions Judge, under NDPS Act, Alipurduar. The petitioner shall appear before the learned trial court on each and every date of hearing and shall not intimidate the witnesses or tamper with any evidence. The petitioner shall not leave the jurisdiction of the trial court. In case of failure to comply with the above directions, the learned trial Judge shall be entitled to cancel the bail without further reference to this Court.

4. The application for bail, being CRM (NDPS) 523 of 2024 is, thus, disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)