

07.11.2025

Item No.31

Ct.No.35

dc.

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (NDPS) 1384 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Sankrail Police Station Case No. 477 of 2024 dated 02.07.2024 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Suraj Mahananda**

... Petitioner.

Mr. Sk. Toslim Ali

... For the Petitioner.

Mr. Sanjoy Banerjee,
Mr. Atanu Ghosh

... For the State.

Learned advocate appearing for the petitioner submits that petitioner was arrested for alleged recovery of 369 litres of codeine phosphate from the joint possession of the petitioner and others. It has also been submitted that an accused who is similarly placed has been granted bail by a co-ordinate Bench of this Hon'ble Court. As such, the petitioner is entitled to be released on bail.

Learned advocate appearing for the State, on the other hand, opposes the prayer for bail and submits that on incorrect parameters being pointed out to the co-ordinate Bench, bail was granted. Learned advocate emphasises that it was submitted that 25 witnesses would be examined by the prosecution, however, the charge-sheet reflects that there are only 13 witnesses.

Having considered that the grounds on which bail was granted, was an error pursuant to submissions recorded by the Court that 25 witnesses are to be examined while the charge-sheet reflects that 13 witnesses are to be examined, I am of the view that the said order do not create a right in favour of the present petitioner. Accordingly, the prayer for bail of the petitioner is **rejected**.

The application for bail, being CRM (NDPS) 1384 of 2025, is, thus, dismissed.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)