

D/L 4 & 5
24.04.2026
Bpg.

C.R.M. (M) 2434 of 2025

In the matter of : State of West Bengal.
...petitioner.

With

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

In the matter of : Suraj Mahananda.
...petitioner.

Mr. Debasish Roy, Ld.P.P.
Mr. Atanu Ghosh.
...for the petitioner/State in CRM(M)2434 of 2025.

Mr. Sk. Toslim Ali.
...for the petitioner in CRM(NDPS)1384 of 2025.

Mr. Debasish Roy, Ld. P.P.
Mr. Sanjay Banerjee
Mr. Atanu Ghosh.
...for the State in CRM(NDPS) 1384 of 2025.

CRM(M) 2434 of 2025

Learned advocate appearing for the petitioner has earlier drawn the attention of the Court to the order passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).6518 of 2026 wherein it was recorded that since an application for cancellation of bail has been preferred on behalf of the State and the bail application one of the petitioner Suraj Mahananda was placed before the Hon'ble Supreme Court, Hon'ble Supreme Court was pleased to set aside the order of rejection and remanded the application for re-consideration of this Court. So far as the

cancellation of bail is concerned, according to the learned advocate, it has been wrongly recorded that 25 witnesses are proposed to be examined by the prosecution and the quantity of contraband which is 369 litres of codeine mixture was not taken into account. Learned advocate for the State, therefore, prays for cancellation of the bail. According to the learned advocate, the charge-sheet refers to only 13 witnesses, as such, State prays for cancellation of bail.

I have considered such submission. However, an order passed by a co-ordinate Bench cannot on merits be considered by another Court. If the State is aggrieved, State should have appeal before a superior forum.

CRM(NDPS) 1384 of 2025.

Petitioner, Suraj Mahananda, claims parity with Babu Chatterjee @ Dipendra Narayan Chatterjee who has been granted bail in CRM(NDPS)815 of 2025. Petitioner is in custody for 1 year 10 months. Only part of P.W.1 has been examined till date. Even 12 witnesses will require some time to be examined.

Having considered the same, I direct that the learned trial court would, after completion of P.W.1 within a period of 45 days, complete the evidence of the seizure list witnesses. If after the evidence of seizure list witnesses are over learned trial court is of the opinion that rigors of Section 37 of the NDPS Act has been diluted, learned trial court will leniently consider the prayer for bail of the present petitioner. Let the whole exercise be completed within 45 days from the next date so fixed.

With the aforesaid observations, both the applications

being CRM(M)2434 of 2025 and CRM(NDPS)1384 of 2025 are disposed of.

All 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 of all requisite formalities.

(Tirthankar Ghosh, J.)