

M.L. CASE NO 13 OF 2025
CNR-WBCS01-000533-2025
Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590.

Order no.06 dated 12.12.2025

1. Today is fixed for appearance of the accused persons and further order.
2. Haziras have been filed on behalf of accused persons Hanish Toshniwal, Rahul Saraf, Ravi Choudhary, Subhash Chandra Swaika, Arun Kumar Jain, Suresh Kumar Sethi, Gajanand Lahoti, Madhusudhan Grandhi, M/s Pahadimata Distributors Pvt. Ltd.
3. Ld. Special Public Prosecutor representing the Enforcement Directorate is present.
4. Original return summons have been filed by the Enforcement Directorate. Let these be kept with the record.
5. Ld. Advocates for the accused persons are present.
6. Two separate applications under sections 342 of the BNSS, 2023 have been filed on behalf of accused/companies, namely, M/s Boudh Distillery Pvt. Ltd and M/s Pahadimata Distributors Private Limited praying for allowing Nirprakash Niraj to represent the accused/company M/s Boudh Distillery Pvt. Ltd and Sanjoy Adhikary to represent the accused/company M/s Pahadimata Distributors Private Limited.
7. Now, the petitions are taken up for hearing.
8. Ld. Counsel for the accused/company M/s Boudh Distillery Pvt. Ltd prays for allowing Nirprakash Niraj to represent the above named accused company under section 342 of the BNSS.
9. Ld. Counsel for the accused/company M/s Pahadimata Distributors Private Limited prays for allowing Sanjoy Adhikary to represent the above named accused company under section 342 of the BNSS.
10. Ld. Advocate for the Enforcement Directorate raises no objection.
11. Heard both sides.
12. I have perused the extract copy of Board Resolution of M/s Boudh Distillery Pvt. Ltd dated 27th day of August, 2025.
13. I have also perused the extract copy of Board Resolution of M/s Pahadimata Distributors Private Limited dated 28th day of August, 2025
14. Considered. The prayers are allowed for the ends of justice.
15. The above name accused/company M/s Boudh Distillery Pvt. Ltd being private limited company is permitted to be represented through Nirprakash Niraj.
16. The above name accused/company M/s Pahadimata Distributors Private Limited being private limited company is permitted to be represented through Sanjoy Adhikary.
17. In view of above both the petitions u/s 342 of the BNSS, 2023 are disposed of.
18. The accused persons, namely, **Hanish Toshniwal, Amit Kumar Sahu, Suman Kumar Nayak, Rahul Saraf, Ravi Choudhary, Subhash Chandra Swaika, Arun Kumar Jain, Madhusudhan Grandhi, Madhusudan Nagvekar, Suresh Kumar Sethi,**

Gajanand Lahoti appear before this Court as per summons issued by this Court and they are taken into custody.

19. Ld. Advocates for the accused persons file separate bail petitions in respect of these accused persons.
20. Now the bail petitions are taken up for hearing.
21. Ld. Advocates of the accused/petitioners submit that these accused/petitioners have voluntarily surrendered before this Court as per summons issued by this Court and also undertakes to remain present on each and every date of hearing if they are granted bail and they pray for bail of the accused/petitioners on any terms and conditions.
22. In support of their contention, Ld. Advocates for the accused/petitioners cited one Judgement of the Hon'ble Supreme Court of India in the case of **Tarsem Lal Vs Directorate of Enforcement Jalandhar Zonal Office** reported in **2024 SCC OnLine SC 971** and also draws the attention of paragraph 23(c) which is set out as follows “*After a summons is issued under Section 204 of the CrPC on taking cognizance of the offence punishable under Section 4 of the PMLA on a complaint. If the accused appears before the Special Court pursuant to the summons, he shall not be treated as if he is in custody. Therefore, it is not necessary for him to apply for bail. However, the Special Court can direct the accused to furnish bond in terms of Section 88 of the CrPC*”.
23. Ld. Special Public Prosecutor of the Enforcement Directorate has raised formal objection.
24. Heard both sides.
25. Perused the case record and the petitions filed by the accused/petitioners.
26. It reveals from the case record that the accused/petitioners have voluntarily surrendered before this Court as per summons issued by this Court and also considering the nature and role of the accused/petitioners in the alleged offence and in view of the observation of the Hon'ble Apex Court, the prayers for bail of the accused/petitioners Hanish Toshniwal, Amit Kumar Sahu, Suman Kumar Nayak, Rahul Saraf, Ravi Choudhary, Subhash Chandra Swaika, Arun Kumar Jain, Madhusudhan Grandhi, Madhusudan Nagvekar, Suresh Kumar Sethi, Gajanand Lahoti are **allowed**.
27. Accused/petitioners, namely, **Hanish Toshniwal, Amit Kumar Sahu, Suman Kumar Nayak, Rahul Saraf, Ravi Choudhary, Subhash Chandra Swaika, Arun Kumar Jain, Madhusudhan Grandhi, Madhusudan Nagvekar, Suresh Kumar Sethi, Gajanand Lahoti** may find bail of **Rs. 10,000/- each** with two sureties of **Rs. 5,000/- each** subject to the satisfaction of Ld. Chief Judicial Magistrate, Calcutta i.d J.C till 23.12.2025.
28. Accused/petitioners Hanish Toshniwal, Amit Kumar Sahu, Suman Kumar Nayak, Rahul Saraf, Ravi Choudhary, Subhash Chandra Swaika, Arun Kumar Jain, Madhusudhan Grandhi, Madhusudan Nagvekar, Suresh Kumar Sethi, Gajanand Lahoti are directed to appear before this Court on each and every date of hearing.
29. Ld. Advocate for accused Madhusudhan Grandhi files a petition u/s 205 of the Cr.P.C.
30. Perused the same and let the same be kept with the record.

31. Fixing **13.02.2026** for hearing of the petition u/s 205 of the Cr.P.C dated 12.12.2025 filed on behalf of accused Madhusudhan Grandhi and written objection, if any, in the meantime.
32. If on bail to date i.e. on **13.02.2026** for appearance of the accused persons Hanish Toshniwal, Amit Kumar Sahu, Suman Kumar Nayak, Rahul Saraf, Ravi Choudhary, Subhash Chandra Swaika, Arun Kumar Jain, Madhusudhan Grandhi, Madhusudan Nagvekar, Suresh Kumar Sethi, Gajanand Lahoti before this Court.
33. Let a copy of this order be sent to the Ld. Chief Judicial Magistrate, Calcutta for information and taking necessary action.
34. Let a copy of this order be sent to the Enforcement Directorate through Ld. Special Public Prosecutors for information and necessary action.

D/C by me

Sd/-

Chief Judge

City Sessions Court, Calcutta

Sd/-

Chief Judge

City Sessions Court, Calcutta