

14.01.2021
Court No.28
rpan / 135

C.R.M. 146 of 2021
(Via Video Conference)

In Re : **Raj Kumar Soner @ Sonar & Others**
...Petitioners

Mr. Kaushik Choudhury,
Ms. Busra Khatun
....for the petitioners.
Mr. Tapandeb Nandy,
Mr. Antarikhya Basu
....for the State.

Apprehending arrest in connection with Tapan P. S. Case No. 209 of 2020 dated 05.07.2020 under Sections 21(C)/22(C)/23(C)/27(A) of the Narcotic Drugs and Psychotropic Substances Act, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated in the criminal proceedings and there has been no recovery of contraband substance from them. Upon completion of investigation, charge sheet has already been filed and as such there is no necessity towards custodial detention.

Learned advocate appearing for the State opposes the petitioners' prayer and submits that there are incriminating materials against the petitioners.

Having heard the learned advocates and considering the materials in the case diary and as no recovery of contraband substance was made from the petitioners and as their names have transpired on the basis of 161 statement of co-accused,

which is inadmissible in evidence, we are of the opinion that the rigours of the NDPS shall not stand in the way towards allowing this application.

Accordingly, in the event of arrest the petitioners, viz., 1. **Raj Kumar Soner @ Sonar**, 2. **Suraj Soner @ Sonar** and 3. **Shankar Soner @ Sonar**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 146 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)