

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous 2nd Bail Application No. 18816/2021

Poonaram @ Pooran S/o Durgaram, R/o Raiko Ki Dhani Vill.
Shivpura Ps Shivpura Dist. Pali Raj. (At Present Confined In
Central Jail Ajmer Dist. Ajmer)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Ms. Anushree Sharma

For Respondent(s) : Mr. Mangal Singh Saini, PP

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

29/04/2022

1. The present second bail application has been filed under Section 439 Cr.P.C. The petitioner has been arrested in connection with FIR No. 150/2019 Registered at Police Station Kekri, District Ajmer for the offence(s) under Sections 8/20 of the N.D.P.S. Act, 1985.
2. Counsel for the petitioner submits that the petitioner has been falsely implicated in this matter. Counsel further submits that the petitioner has been made accused in this matter after six months of the alleged recovery, on the basis of one checking memo (Ex. P-10) which was found in the dash board of the vehicle. Counsel further submits that the recovery witness (PW-5) in his cross-examination stated that it is true that in the checking memo (Ex. P-10), the name of the accused-Poonaram has not been mentioned, he further admitted that he has not seen the

petitioner and he does not know the person with the name of Poonaram. Counsel further submits that according to the statement of Investigating Officer (PW-7), the name of the driver of the vehicle is Choonaram and in the document (Ex.P-6), the name of one-Choonaram is mentioned. Counsel further submits that the petitioner is behind the bars since 03.08.2019 and no other criminal under is pending against the petitioner under the N.D.P.S. Act.

3. Learned Public Prosecutor has opposed the bail application.

4. Heard counsel for the parties and perused the record.

5. Considering the material on record and taking into account the facts and circumstances of the case and without expressing any opinion on the merits of the case, this petition deserves to be allowed; for the reasons; firstly, according to the statement of recovery witnesses (PW-5), he has prepared the document (Ex.P-10) in which name of the petitioner i.e. Poonaram was not mentioned, secondly, according to the statement of Investigating Officer (PW-7), in the recovery memo (Ex. P-6), the name of the one Choonaram is mentioned and name of the petitioner is not mentioned and lasly, prima facie according to the statement of PW-5 and PW-7, the involvement of the petitioner in the alleged crime is doubtful. Therefore, the petitioner be admitted to regular bail subject to satisfaction of the trial Court. Office is directed to send a copy of this order to the concerned trial Court through e-mail/fax, for necessary compliance.

(INDERJEET SINGH),J