

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S- 150 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of main case.

01.03.2021.

Mr. Muhammad Saleem Chouhan, advocate for
applicants.

Mr. Shahid Ahmed Shaikh, D.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicants were found transporting huge quantity of Gutkas and mainpuries together with raw material to be used for preparation of mainpuries, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned IIIrd Additional Sessions Judge, Hyderabad have sought for the same from this Court by way of instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police; there is no independent witness to the incident; the property has been subjected to chemical examination with considerable delay; the offence alleged the applicants is not falling within the prohibitory clause of section 497(2) Cr.P.C and co-accused Jehanzeb has already been admitted to pre-arrest bail by learned trial Court. By contending so, he sought for release of the applicants on bail on point of further enquiry.

4. Learned A.P.G. for the State has objected to release of applicants on bail by contending that the offence alleged against the applicant is affecting the society at large.

5. I have considered the above arguments and perused the record.

6. There is no independent witness to the incident despite advance information to the police, which appears to be significant. Only 300 grams of raw material has been subjected to chemical examination that too with delay of about three days. The offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C. Co-accused Jehanzeb has already been admitted to pre-arrest bail. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants. In these circumstances a case for release of the applicant on bail on point of further enquiry obviously is made out.

7. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in the sum Rs.50,000/-each and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,