

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

**Crl. Bail Appln: No.S-405 of 2018.**

Abdul Waheed. . . . .Applicant.

Versus.

The State. . . . .Respondents.

Mr. Sardar Akbar F. Ujjan, Advocate for the Applicant.

Ms. Sana Memon, APG.

Date of hearing and order 14.06.2018.

**O R D E R**

**IRSHAD ALI SHAH, J.** It is alleged that on 19.04.2018, on arrest from the applicant was secured 2100 grams of Charas by the police party of P.S Daur, which was led by Inspector Muhammad Iqbal Wassan, for that he was booked and challaned in the present case.

2. On having been refused bail by the learned trial Court, the applicant has sought for the same from this Court by making the instant application under section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police only to show its efficiency, there is no independent witness to the incident and the present applicant in custody since two months without any active progress in trial and the punishment which he is likely to be awarded as per policy would be R.I. for five years and six months with fine. By contending so he sought for release of the applicant on bail, as according to him, his case is calling for further inquiry. In support of his contention, he relied upon cases of **Ghulam Murtaza and others v. The State (PLD 2009 (Lahore) 362)**, (2) Ali

**Hassan alias Hassan v. The State (2014 YLR 188)**, (3) **Noor Khan v. The State (2012 MLD 1542)** and (4) order dated 04.10.2017 of this Court passed in Criminal Bail Application No.S-257 of 2017 (**Abdul Salam v. The State**).

4. Learned APG has opposed to grant of bail to the applicant by contending that the offence which the applicant allegedly has committed 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. The complainant has himself conducted the investigation of the case. The case has finally been challaned, as such there is no chance of tampering with the evidence on the part of the applicant. The applicant is in custody since two months without any active progress in trial. As per record the applicant is having no criminal history. In these premises, it is rightly being contended by learned counsel for the applicant that applicant is entitled to be released on bail, as his case is calling for further inquiry.

7. In view of above, while relying upon the case law which is referred by the learned counsel for the applicant, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/= and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application stands disposed of in above terms.

J U D G E