

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

Criminal Bail Application No.S-550 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A.No.7041/2021.
	2. For orders on office objections.
	3. For hearing of main case.

**06.08.2021**

Mr. Aziz Ahmed Laghari, Advocate for the applicant.  
Mr. Fayaz Hussain Sabki, A.P.G for State.

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**ORDER**

**Irshad Ali Shah J:-** It is alleged that on information police party of P.S Jhuddo led by SIP Hassan Bux Khaskheli went at the place of incident, apprehended the applicant secured from him 200 grams opium and 2170 grams Chars, while co-accused Gul Hassan made his escape good leaving behind a shopper containing 2200 grams Chars, for that the presence case was registered.

2. The applicant on having been refused post arrest bail by learned Sessions Judge/Special Judge (CNSA) Mirpurkhas has sought for the same from this Court by way of instant bail application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police; there is no independent witness to the incident and the applicant is in custody since two months, therefore, he is entitled to be released on bail on point of further inquiry. In support of his

contention, he relied upon the case of *Sabir Hussain Vs. The State* [2019 P. Cr. L.J 1441].

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

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

6. In all 4370 grams chars and 200 grams opium have been secured by the police in the present case. Apparently, it is the case of conjoint liability. If for the sake of argument, it is believed that the applicant is liable for recovery made from him alone even then it is huge one, with remote chance of its foistation. Nothing has been brought on the record which may suggest enmity between the applicant and the police party leading to his involvement in this case falsely. The applicant obviously is in custody since two months but it is not enough to enlarge him on bail in case like the present one which is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. The case law which is relied upon by learned counsel for the applicant is on distinguishable facts and circumstances. In that case, from accused was secured 'Garda' it was not found to be chars it is why he was admitted to bail. In the instant case

recovery made from the applicant is that of Chars and Opium which cannot be said to be '*Garda*'.

8. In view of the facts and reasons discussed above, it could be concluded safely that the applicant is not found entitled to his release on bail. Consequently, his bail application is dismissed with direction to learned Trial Court to dispose of the very case of the applicant expeditiously preferably within three months, after receipt of copy of this order.

**JUDGE**

*Muhammad Danish Steno\**