

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
1<sup>st</sup> CrI. Bail Appln. No.S-85 of 2021.

Date \_\_\_\_\_ Order with signature of Hon'ble Judge \_\_\_\_\_

1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Sarfraz Ahmed Chandio, advocate for the applicant.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General, along with ASI Zulfiqar Ali, complainant/I.O. of the case.

Date of Hearing : 12.04.2021.  
Date of decision : 19.04.2021.

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### ORDER

**Omar Sial, J.-** Allah Dino Chandio has sought post arrest bail in crime number 10 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997 at the Sijawal Police Station. Earlier, his application seeking bail was dismissed by the learned 1<sup>st</sup> Additional Sessions Judge, Shahdadkot on 8-2-2021.

2. The background to the case is that on 22-1-2021 a police party led by A.S.I. Zulfiqar Ali Korai was on normal patrol duty when it received information that a man with charas in his possession was standing on a road. The police party reached the identified spot and saw a man who tried to run away; he was apprehended and upon his search 1100 grams of charas were recovered from his possession.

3. I have heard the learned counsel for the applicant as well as the learned DPG.

4. The investigating officer of the case, who is also the complainant in the case, was present in Court; however, on simple questions put to him it *prima facie* appears that he has not conducted any investigation whatsoever in the matter. His replies, or the lack of them, *prima facie* suggest that he is not aware of the specifics of the place where he apprehended the accused though he claims he has made the memo of the place of the incident himself. The charas has been sent to the examiner after about 10 days of recovery and at the moment no explanation for the delay or an account of its safe keeping is on record. It

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appears further from the police record that the statement of the police officer who carried the narcotics to the examiner has also not been recorded. It is also not clear from the memo of arrest and recovery as to whether the charas was weighed with the bag it was found in or without the same. This aspect could have an impact on the total quantity seized. The applicant has no previous criminal record and is no longer required for investigation.

5. In view of the above, the case of the applicant appears to be one of further inquiry in terms of section 497, Cr.P.C. He is accordingly admitted to post arrest bail upon his furnishing a solvent surety in the sum of Rs.100,000/- and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

 19/4/21  
JUDGE