

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 837 of 2024
(Samiullah v. The State)

Date	Order with signature of Judge
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For hearing of bail application

03.05.2024

Mr. Abdul Nasir, advocate for the applicant
Mr. Rubina Qadir, DPG for the State

It is alleged that on arrest from the applicant was secured 510 grams of charas by police party of PS Sohrab Goth led by ASI Ali Amber, for which the present case was registered.

The applicant having been refused bail by the learned IVth-Additional Sessions Judge/Special Court (CNS) Karachi Malir has sought for the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police by foisting upon him charas; there is no independent witness to the incident and the case has finally been challaned, therefore, the applicant is entitled to be released on bail on point of further inquiry, which is opposed by learned D.P.G for the State by contending that the offence with which the applicant is charged is affecting the society at large.

Heard arguments and perused the record.

The applicant is named in FIR with specific allegation that on arrest from him has been secured 510 grams of charas which is reported to be

positive. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the police officials by foisting upon him charges. The police officials are as good witnesses as others until and unless some malafide is alleged against them, which obviously is lacking in the present case; they even otherwise could not be disbelieved by this Court at this stage. The minimum sentence prescribed for the alleged offence by way of Amendment in CNS law is five years with fine. The offence which the applicant is alleged to have committed is affecting the society at large. It is falling within exceptional clause. Mere submission of final challan is not enough to enlarge the applicant on bail. There appear reasonable grounds to believe that the applicant is guilty of the offence, with which he is charged; thus, no case for his release on bail on point of further inquiry is made out.

In view of above, the instant bail application is dismissed.

J U D G E