

Order sheet  
**IN THE HIGH COURT OF SINDH  
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 1043 of 2017

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<b>DATED</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1.2.2018

For hearing

Mr. Faiz Muhammad S. Chandio, advocate for applicant

Mr. Shahzado Saleem Nahiyoon, D.P.G.

**OMAR SIAL, J.-** Applicant Amjad Ali has sought post-arrest bail in Crime No. 48 of 2017 registered under Section 9(c) of the Control of Narcotic Substances Act, 1997, at the Khudabad police station in district Dadu. Earlier, his post-arrest bail application was turned down by the learned Special Judge (Narcotics), Dadu on 7.11.2017.

2. Brief facts of the prosecution case as stated by the complainant SIP Muhammad Ibrahim Bozdar in aforementioned FIR are that on 26-10-2017 he along with his subordinate staff was on patrol duty when they saw one person with a black colour plastic bag in his hand getting off a rickshaw near village Imdad Jatoi. The police party thought that he looked suspicious and thus apprehended him. Upon his search 2 kilograms of charas were recovered out of which 10 grams were separated for chemical examination and the remaining quantity was sealed. The police arrested the accused and registered the aforementioned F.I.R.

3. I have heard learned counsel for the Applicant as well as learned DPG and have examined the available record with their able assistance. My observations are as follows:

- i. The incident is said to have occurred on 26-10-2017. Two days prior to it i.e. on 24-10-2017, the father of the Applicant had filed an Application under Section 491 Cr.P.C. in the Sessions Court, Benazir Abad claiming therein that his son (the Applicant) along with his family had come to visit him in Nawabshah on 20-10-2017. When he was returning the next day he disappeared. The family received a phone call from the B-Section police station that the Applicant was with them. When the family reached the police station the Applicant was in the lock up. They were allowed to briefly see him. The police demanded illegal gratification for his release. The father, along with other family members went to complain to the S.S.P. who sent them back to the police station.

The S.H.O. of the police station got annoyed at them for having complained to the S.S.P. and declined to return the Applicant. On 24-10-2017, the Sessions Court appointed a Raid Commissioner for the recovery of the Applicant from B-Section police station however the Applicant was not found there. On the 26<sup>th</sup> his arrest was shown.

- ii. The manner in which the sampling is said to have been done by the police party is also vague. I have restrained from making any further observation on this count so as to not prejudice the case of either party.
- iii. Investigation in the matter is complete all the witnesses are police officials, therefore there is no chance of tampering with the evidence.

4. For the above reasons, the case of the Applicant is one of further enquiry falling within the ambit of section 497(2) Cr.P.C. The Applicant is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- (One hundred thousand only) and a P.R. Bond in the like amount to the satisfaction of the trial court.

JUDGE