

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD.

Crl. Bail Appln: No.S-214 of 2018.

Ali Raza.Applicant.

Versus.

The State.Respondents.

Mr. Farhad Ali Abro, Advocate for the Applicant.

Ms. Safa Hisbani, APG.

Date of hearing and order 08.06.2018.

O R D E R

IRSHAD ALI SHAH, J. It is alleged that on 06.02.2018, on arrest from the applicant was secured 2015 grams of Charas by the police party of P.S Phuleli, which was led by SIP Ghulam Rabbani, 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 on to show its efficiency, there is no independent witness to the incident and the present applicant in custody since four months without any active trial. 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 case of **Muhammad Saeed Khan & others v. the State**, which is reported at **2016 PCr.LJ 730** and case of **BILAL V. the State**, which is reported at **2016 MLD 1054**.

4. Learned APG has opposed to grant of bail to the applicant by contending that the offence which he allegedly has committed is affecting the society at large.

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

6. The police party was having advance information about the incident yet no independent person was associated to witness the incident, which appears to be significant and such omission could not be lost sight of. The applicant is no more required by the police for purpose of further investigation, as final challan of the case against him has already been submitted by the police. The applicant is in custody since four months without any active trial. There is no apprehension of tampering with the evidence on the part of applicant even on his release, as all the witnesses of the prosecution are police officials. In these circumstances, it is rightly being contended by learned counsel for the applicant that the applicant is entitled to grant of bail as his case is calling for further enquiry.

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

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