

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Bail Application No.S-958 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

For hearing of main case.

**21.10.2020**

Mian Taj Muhammad Keerio, Advocate for the applicants.  
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh.

==

**ORDER**

Heard arguments and perused the record.

Although, the offences with which applicants stand charged are non-bailable one but same do not fall within the prohibitory clause of Section 497 Cr.P.C. and the ingredients of Section 8 of SPPMSSGM Act, 2019 are to be established by the prosecution after recording evidence before the trial Court. Moreover, the complainant/police party of P.S. Khipro had prior information about the presence of applicants along-with co-accused and preparation of mainpuri and gutka with main co-accused Ramzan despite no independent person was associated to become witness of alleged arrest and recovery although the place of incident was a residential home and situated in populated area. As per the F.I.R the incident has taken place on 17.09.2020 and even after more than one month no chemical report has been received. In this situation, if chemical report is received in positive even then its fate would be decided by the trial Court at trial. Accordingly, prima facie case of further inquiry makes out within the meaning of Sub-Section 2 to Section 497 Cr.P.C. Consequently, instant Criminal Bail Application is allowed and the applicants are admitted to bail subject to furnishing solvent sureties in the instant crime in the sum of R.20,000/- each and P.R bonds in the like amount to the satisfaction of learned Trial Court.

JUDGE