

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-590 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

23.10.2020.

Mr. G.M. Laghari, Advocate for applicant.
Ms. Rameshan Oad, Assistant Prosecutor General
Sindh.

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Irshad Ali Shah J:- It is alleged that on arrest from the applicant was secured 2000 grams of charas by police party of P.S Bandhi led by SIP Ahmed Ali, for that he was booked in the present case.

2. The applicant on having been refused post arrest bail by learned Special Judge (Narcotic) Shaheed Benazirabad has sought for the same from this court by way of instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police; there is no independent witness to the incident and case property has been subjected to chemical examination with delay of about five days; the applicant was in custody of the police much before his involvement in this

case and an application u/s 491 Cr.P.C to secure custody of the applicant was also filed by his mother Mst. Anwari Begum before Sessions Judge Shaheed Benazirabad and the applicant is in custody for more than one year without effective trial. By contending so, he sought for release of the applicant on bail on the point of further inquiry. In support of his contention he has relied upon case of ***Shah Nawaz alias Shanoo vs The State (2014 P.Cr.L.J 482) and Muneer vs The State (2014 MLD 723)***.

4. Learned A.P.G for the State has opposed to release of the applicant on bail by contending that the offence which the applicant has allegedly committed is affecting the society at large.

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

6. There is no independent witness to the incident. The Narcotic substance which is alleged to have been secured from the applicant has been subjected to chemical examination with delay of about five days which appears to be significant. The investigation of the case is over and the applicant is in custody for more than one year without effective trial. In these circumstances, a case for release of the

applicant on bail on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.50,000/-and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant application is disposed of accordingly.

JUDGE

Ahmed/Pa