

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

Cr.B.A.No.S-1245 of 2020

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

15.01.2021.

Mr. Jam Athar Sahito, Advocate for applicant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

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**Irshad Ali Shah J;**- It is alleged that the applicant was found in possession of 3150 sachet of Gutka / Mainpuri, for that he was booked and reported upon by the police.

2. The applicant on having been refused post arrest bail by learned Sessions Judge, Tando Muhammad Khan 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; the report of chemical examiner is still awaited; the offence alleged the applicant is not falling within the prohibitory clause of section 497(2) Cr.P.C and he is in custody for more than one month. By contending so, he sought for release of the applicant on bail on point of further enquiry.

4. Learned A.P.G. for the State has objected to release of applicant on bail by contending that the offence alleged against the applicant 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 report of chemical examination is still awaited. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. The applicant is said to be in custody for more than one month. In these circumstances a case for release of the applicant on bail on point of further enquiry obviously is made out.
7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.30,000/-(rupees thirty thousand) and PR bond in the like amount, to the satisfaction of the learned trial Court.
8. The instant bail application is disposed of accordingly.

JUDGE.