

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1096 of 2020

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

19.01.2021.

Mr. Ejaz A. Awan, Advocate for applicant.

Ms. Sobia Bhatti, A.P.G for State.

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ORDER

Irshad Ali Shah J:- The fact in brief necessary for disposal of instant bail application are that the applicant and co-accused Zulfiqar Ali were apprehended by police party of P.s. Jamshoro led by ASI Ghulam Murtaza and on search from them were secured shoppers containing 1700 and 6000 grams of Charas respectively, for that they were booked and reported upon.

2. The applicant on having been refused post arrest bail by learned Special Judge (CNS) Jamshoro has sought for the same from this court by way of instant bail 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 it is case of border line recovery therefore, the applicant is entitled to be released on bail on point of further inquiry.

4. Learned A.P.G for the State has opposed to release of the applicant on bail by contending that he has to share the liability of entire recovery which is more than 07.7 kg of the charas.

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

6. The name of the applicant is appearing in the FIR with specific allegation that he and co-accused Zulfiqar Ali were found carrying with them Charas, which is weighed to be 07.7 kg. It was joint recovery therefore, tentatively applicant could not be held liable for the recovery made from him alone. No doubt there is no independent witness to the incident, but there appears no justification to disbelieve the version of the police witnesses at this stage. The offence is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. No case for grant of bail to the applicant is made out. Consequently, the instant bail application is dismissed with direction to learned trial court to dispose of the very case of the applicant within three months positively.

JUDGE

Ahmed/Pa,