

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S- 1163 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection.
2. For hearing of main case.

08.02.2021.

Mr. Ashique Hussain D. Solangi, advocate for applicants.
Ms. Sobia Bhatti, A.P.G for the State.

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Irshad Ali Shah J;- it is alleged that the applicants were found transporting 393 sacks of betel nuts to be used for preparation of Gutka and sack containing 44 packets of Z-21 Gutka Supari, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned 3rd Additional Sessions Judge, Dadu have 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 applicants that the applicants being innocent have been involved in this case falsely by the police; there is no independent witness to the incident; the property has been subjected to chemical examination with delay of about seven days; the offence alleged the applicants is not falling within the prohibitory clause of section 497(2) Cr.P.C and they are in custody for more than three months without effective progress in trial. By contending so, he sought for release of the applicants on bail on point of further enquiry.

4. Learned A.P.G. for the State has objected to release of applicants 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 despite advance information to the complainant which appears to be significant. Only two k.g of betel nuts and 20 pouches of Z-21 Gutka have been subjected to chemical examination. The offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants. The applicants are said to be in custody for more than three months. 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 applicants are admitted to bail subject to their furnishing solvent surety in the sum Rs.100,000/-each 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

Ahmed/Pa,