

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-67 of 2021

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

22.02.2021.

Mr. Jehangir Khyber, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for State.

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ORDER

Irshad Ali Shah I:- It is alleged that the applicant was found in possession of 80 sacks, each one was containing 20 kg of “*Bhang*” total 1600 kg, for that the present case was registered against him by the police.

2. The applicant on having been refused post arrest bail by learned I/C Civil Judge & Judicial Magistrate-III and Sessions Judge, Tando Muhammad Khan 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 offence alleged the applicant is not falling within prohibitory clause of section 497 Cr.P.C 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 the offence alleged the applicant is affecting the society at large.

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

6. The name of the applicant is appearing in the FIR with the specific allegation that he was found in possession of 1600 kg of “*Bhang*”. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the police. Apparently the police was having no reason to have involved the applicant in this case falsely by making foistation of such huge quantity of “*Bhang*” upon him. No doubt there is no independent witness to the incident, but there could be made no denial to the fact that the police officials are good witness as others. The offence alleged against the applicant may not be falling within prohibitory clause of section 497(2) Cr.P.C, but for this reason the applicant could not be released on bail as a matter of right, ignoring affects of the incident/offence upon society. There appear reasonable grounds to believe that the applicant is guilty of the offence for which he has been 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