

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S- 69 of 2021

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

01.03.2021.

Mr. Abdul Majeed Magsi, advocate for applicant.
Mr. Shahid Ahmed Shaikh, D.P.G for the State.

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Irshad Ali Shah J;- It is alleged that the applicant was found in possession of sack containing Gutka and Main puri an injurious / poisonous substance intending to spread infection / disease likely to be dangerous / poisonous to human lives, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Ist Additional 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 property has been subjected to chemical examination with considerable delay. 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 opposed 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. Only ten sachets of the alleged substance have been subjected to chemical examination that too with considerable delay. 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 applicant. 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 their furnishing solvent surety in the sum Rs.50,000/- 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,