

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-786 of 2019

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

04.10.2019.

Mr. Khadim Hussain Soomro, Advocate for applicant.
Ms. Sana Memon, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that on arrest from applicant was secured 5000 grms of charas by police party of P.S. Daur, led by SIP Raza Muhammad Khoso, for that he was booked in the present case.

2. The applicant on having been refused post arrest bail by learned Sessions Judge / Special Judge, (Narcotic), Shaheed Benazirabad 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 much after his actual arrest; there is no independent witness to the incident; the investigation of the case is over; the applicant is in custody for more than two months and the applicant is having no criminal record, therefore, the applicant according to him is entitled to be released on bail on point of further enquiry.

4. Learned A.P.G. for the State has opposed to the grant of bail to the applicant by contending that the applicant has committed the offence which is affecting the society at large.

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

6. As per the prosecution's case, the applicant was found in possession of 5000 grams of the charas. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the police. It is true that there is no independent witness to the incident but for this reason the case of the prosecution could not be disbelieve at this stage. Needless to say that police officials are as good witness as others, in absence of any malafide, which apparently is lacking in present case. The applicant may not be having a criminal record but this fact too is not enough to enlarge the applicant on bail in case like the present one, which is affecting the society at large. If the applicant is carrying a feeling that he has been apprehended by the police much before his actual involvement in the present case, then he could prove such plea at appropriate stage of trial. The deeper appreciation of facts and circumstances is not permissible at bail stage. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. In view of the facts and reasons discussed above, it could be concluded that the applicant is not found entitled to be released on bail. Consequently, the instant application is dismissed.

JUDGE.

Ahmed/Pa