

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr.B.A.No.S-887 of 2019

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DATE

ORDER WITH SIGNATURE OF JUDGE

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For hearing of main case.

25.10.2019.

Mr. Shabbir Hussain Memon, Advocate for  
applicant.

Ms. Rameshan Oad, Assistant Prosecutor General  
Sindh.

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**Irshad Ali Shah J:-** It is alleged that on arrest from the applicant was secured 70 grams of Heroin powder and 12 grams Ice Heroin, 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,(N), Jamshoro 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 and case property has been subjected to chemical examination with considerable delay and offence is not falling

within prohibitory clause of section 497(2) Cr.P.C. By contending so, he sought for release of the applicant on bail on the point of further inquiry. In support of his contention he has relied upon case of ***Ateeb ur Rehman @ Atti Mochi vs The State*** and others ***(2016 SCMR) 1424*** and case of ***Syed Hyder Ali Shah vs The State (2016 P.Cr.L.J 975)***.

4. Learned A.P.G for the State has opposed to grant of bail to the applicant by contending that the offence which the applicant has allegedly committed 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. The case property has been subjected to chemical examination with a considerable delay. The offence is not falling within prohibitory clause. The investigation of the case is over. There is no apprehension of tempering with the evidence on part of the applicant. The applicant is in custody for about two months. In these circumstances, a case for grant of bail to applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.50,000/-and PR bond in the like amount to the satisfaction of learned trial court.

8. The instant application is disposed of accordingly.

JUDGE.

Ahmed/Pa