

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr.B.A.No.S- 1225 of 2019

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For orders on MA-9580/19
3. For hearing of main case.

**22.11.2019.**

Mr. Ayatullah Khuwaja, Advocate for applicant.  
Ms. Rameshan Oad, A.P.G for the State.

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**Irshad Ali Shah J:-** It is alleged that the applicant was found selling Main Puris / Gutka Safina / Power of Main Puris an injurious / poisonous substance intending to spread infection / disease likely to be dangerous / poisonous to human lives, for that he was booked and reported upon by the police.

2. The applicant on having been refused post arrest bail by learned Illrd Additional Sessions Judge, Hyderabad 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 without lawful justification; there is no independent witness to the incident; section 337-J PPC is misapplied by the police and case has finally been challaned. 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 opposed to release of applicant on bail by contending that the offence which he has committed is affecting the society at large.

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

6. All the penal sections applied in FIR are bailable, excepting one under section 337-J PPC, whether it is applicable to the facts and circumstances of the case, it requires determination at trial. There is no independent witness to the incident. Only 10 Sachets (Purries) containing injurious / poisonous substance have been subjected to chemical examination that too with considerable delay. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicant as all the witnesses of the case are police officials. In these circumstances, a case for release of the applicant on bail on point of further enquiry pending trial, obviously is made out.

7. In view of above, the applicant is ordered to be released on bail subject to his furnishing solvent surety in the sum Rs.50,000/- (rupees fifty thousand) 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