

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S- 1325 of 2019

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

20.12.2019.

Mr. Nazeer Ahmed Dahri advocate for applicant.
Ms. Rameshan Oad, A.P.G for the State.

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Irshad Ali Shah J:- The applicant is alleged to be found in possession of Beetle nuts and its powder to be used for preparation of Gutka / Main puri 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 Assistant Sessions Judge-1, Kotri 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 was denied bail by learned trial Court without lawful justification. 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 in first instance the applicant ought to have approach Sessions Judge having jurisdiction for his release on bail after dismissal of his bail application by an Assistant Sessions Judge.

5. I have considered the above arguments and perused the record.
6. All the penal sections applied in case are bailable, except one under section 337-J PPC, applicability whereof requires determination at trial. There is no independent witness to the incident. Only two kgs of Beetle nuts and its powder have been subjected to chemical examination and report whereof is still awaited. In these circumstances, a case for release of the applicant on bail on point of further enquiry pending trial, obviously is made out.
7. It is true that after dismissal of bail application by an Assistant Sessions Judge, the applicant ought to have approached Sessions Judge having jurisdiction for his release on bail. But at this juncture, after wastage of much of the time, it would be un-justified to order the applicant to go back to Sessions Judge having jurisdiction for his release on bail particularly when he now is found to be entitled to be released on bail on merit, in case like the present one.
8. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.30,000/-(rupees thirty 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