

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

Cr. B.A. No.S- 700 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

For hearing of main case.

29.10.2021

Mr. Danesh Kumar Jai Jai Veshno, Advocate for the applicant.

Mr. Fayaz Hussain Saabki, A.P.G Sindh.

=

Amjad Ali Sahito, J:- Through instant bail application, applicant Arsalan Khan seeks post-arrest bail in Crime No.39 of 2021, registered at Police Station Khorwah of District Badin, under section 9(c) of Control of Narcotic Substances Act, 1997. Earlier, the bail plea of the applicant was declined by the learned Ist. Additional Sessions Judge, Badin vide order dated 19.05.2021.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, need not to reproduce the same hereunder.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated in this case; that alleged recovery which is only 3000 grams of charas, has been foisted upon the applicant with ulterior motive; that complainant as well as the I.O in this case is same and he has dispatched the case property / sample for chemical examination with a delay of two days, as such the case of the applicant requires further inquiry and he is entitled for bail.

4. On the other hand, learned A.P.G appearing for the State vehemently opposed the grant of bail to the applicant.

5. I have considered the contentions of the learned counsel for the applicants and learned A.P.G. for the State so also gone through the material available on the record. From perusal of record, it reflects that while patrolling in their jurisdiction, SHO/complainant Saeed Ahmed Channa alongwith his subordinate staff reached at the place of occurrence and arrested the applicant and from his possession recovered 3000 grams of Charas; same was sealed on the spot and sent to the office of Chemical Examiner for test and report, which

was later on received in positive; as such sufficient material is available on record to connect the applicant with the commission of alleged offence. No ill-will or enmity has been alleged by the learned counsel for the applicant to believe that the applicant has been falsely roped in this case. At bail stage only tentative assessment is to be made. Learned counsel for the applicant has failed to make out his case as of further inquiry as envisaged under subsection (2) to section 497 Cr.P.C.

6. In view of above, the bail application is dismissed.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

S