

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

Criminal Bail Application No.S-96 of 2021

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

12.03.2021.

Mr. Muhammad Jameel Ahmed, Advocate for the
applicants.

Mr. Shahid Ahmed Shaikh, D.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicants were found transporting huge quantity of battle nuts, its powder and mainpuries, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge-III, Dadu have 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 applicants that the applicants being innocent have been involved in this case falsely by the police; there is no independent witness to the incident; the property has been subjected to chemical examination with considerable delay; the offence alleged the applicants is not falling within the prohibitory clause of section 497(2) Cr.P.C. By contending so, he sought for release of the applicants on bail on point of further enquiry.

4. Learned D.P.G. for the State has objected to release of applicants on bail by contending that the offence alleged against the applicants 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 despite advance information with the complainant, which appears to be significant. Negligible quantity of the recovered substance has been subjected to chemical examination that too with delay of about eight days. The offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants and they are said to be in custody for about four months. In these circumstances a case for release of the applicants on bail on point of further enquiry obviously is made out.

7. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in the sum Rs.100,000/-each and PR bonds in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*