

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

Criminal Bail Application No.S-261 of 2021

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

12.07.2021

Mr. Abdul Hameed Jamali, Advocate for applicant.

Ms. Sobia Bhatti, A.P.G for State.

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Irshad Ali Shah J.-It is alleged that on arrest from the applicant has been secured 1050 grams of Charas, by police party of P.S A-Section Shaheed Benazirabad, which was led by SIP Rasheed Ahmed Memon for that he was booked and challaned in the present case.

2. On having been refused post-arrest bail by 1st Additional Sessions Judge/MCTC Shaheed Benazirabad, the applicant has sought for the same from this Court by way of instant application under section 497 Cr.PC.

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; the case property has been subjected to chemical examination with considerable delay and the case has finally been challaned. By contending so, he sought for release of applicant on bail as his case is calling for further enquiry.

4. Learned A.P.G has opposed to grant of bail to the applicant by contending that the offence which he allegedly has 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; it is a border line case between "B" and "C" class of section 9 (C) of CNS Act, 1997. The case has been challaned finally; there is no apprehension oftampering with the evidence on the part of the applicant, who is said to be in custody for more than four months without effective progress in trial of his case. In these circumstances, a case for grant of bail to the 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 the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno.