

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

Criminal Bail Application No.S-545 of 2021

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

**16.07.2021.**

Mr. Imdad Hussain Shahani, Advocate for the applicant.

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

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**Irshad Ali Shah J;**- It is alleged that the applicant was found transporing through his car 18 Z-21 'supari Gutka' each one containing 40 packets, weighing 180 kilograms duly packed in sacks, which is said to be substance injurious / poisonous to human lives, for that the present case was registered against him.

2. The applicant on having been refused post arrest bail by learned 5<sup>th</sup> Additional Sessions Judge/MCTC, Shaheed Benazir Abad, 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; there is no independent witness to the incident and the property has been subjected to chemical examination with considerable delay. 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 recorded no objection to release of the applicant on bail.

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

6. There is no independent witness to the incident. The entire property has not been subjected to chemical examination. The report of chemical examiner is still awaited. The offence alleged against the applicant 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 part of the applicant. In these circumstances a case for release of the applicant on bail on point of further enquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.50,000/- 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

Muhammad Danish Steno\*