

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

**Cr. Bail Application No. S – 25 of 2020**

| <b>DATE</b> | <b>ORDER WITH SIGNATURE OF HON'BLE JUDGE</b> |
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**Fresh case**

1. For orders on MA No.241/2020 (U/A)
2. For hearing of bail application

**01.04.2020**

None present for the applicant/accused  
Mr. Aftab Ahmed Shar, Additional PG for the State

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**AMJAD Ali SAHITO, J.-** Through the instant application, the applicant/accused Ajab Gul alias Qadirdad Junejo has sought for grant of post-arrest bail in Crime No.102/2019, offence under Section 9(c) of Control of Narcotics Substances Act, 1997 registered at Police Station Ranipur, District Khairpur. Prior to this applicant/accused filed post-arrest bail application before learned Special Judge for CNS Cases Khairpur, which was dismissed vide order dated 06.01.2020, hence this post-arrest bail application.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence need not to reproduced herein.

3. None present for the applicant. No intimation is received. The grounds taken by the applicant in the bail application are that he is innocent and has been falsely implicated in this case by the police by foisting the charas upon him; that prior to registration of the FIR, the son of the applicant namely Liaquat Ali got filed an application u/s 491 Cr.P.C regarding wrongful confinement of his father Ajab Gul alias Qadirdad (present applicant) before the Court of learned

Sessions Judge, Khairpur, which suggests that the applicant was already in custody of the police; that in July 2019, the present applicant has also filed an application u/s 22-A and 22-B Cr.P.C before the Court of learned Sessions Judge Sukkur against the police Inspector Sadoro Lashari, the then SHO Police Station Ranipur and ASI Jameel Ahmed and other police officials showing some dispute over the landed property, as they were issuing threats for his involvement in false cases; that there is no independent eye witness of the alleged recovery though the place where the alleged recovery was effected from the present applicant, was a thickly populated area; that applicant/accused is in custody since the date of his arrest and the case has been challaned and no fruitful result would be achieved to keep the applicant/accused in jail for an indefinite period. Lastly, it has been prayed that the applicant/accused may be admitted to post-arrest bail.

4. On the other hand learned Additional PG for the State has argued that the applicant/accused is nominated in the F.I.R and a huge quantity of Charas weighing 2000 grams has been recovered from his possession, therefore, he is not entitled for concession of bail, therefore he supported the impugned order and prayed for dismissal of instant bail application.

5. I have heard the learned Additional PG for the State and have gone through the memo of bail application as well as the impugned order passed by learned trial Court. As per prosecution version, on 05.12.2019 at 1200 hours, recovery of 2000 grams of charas effected from the present applicant/accused, whereas, on the same date the son of the applicant/accused namely Liaquat Ali got filed an application under Section 491 Cr.P.C before the Court of Sessions Judge, Khairpur, stating therein that one Anwer Ali Ujjan, who was contractor of

his Banana Garden asked him to come at the Hotel of Majeed Chandio, therefore, he along with his father Ajab Gul alias Qadirdad (applicant) went there for collecting Rs.70000/- and after collecting the amount by his father (present applicant), they were sitting in the hotel when all of a sudden a heavy contingent of police came there at about 4:00 pm and during search they snatched the aforesaid amount from his father viz. the present applicant/accused and put him in police mobile along with other persons including one Advocate namely Abdul Waheed Chang, while the applicant was left being blind. In such circumstances, the guilt of the applicant/accused is to be determined at the time of trial, whether at the time of recovery he was possessing the alleged contraband quantity of charas or not. In these circumstances, the case against applicant/accused calls for further enquiry in terms of sub-section (2) of Section 497 CrPC.

6. In view of above, the applicant/accused is entitled for grant of bail. Accordingly the instant bail application is allowed and the applicant/accused is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (One Lac) and PR bond in the like amount to the satisfaction of learned trial Court.

7. Needless to mention that the observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

Judge