

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

Criminal Bail Application No.S-243 of 2022

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

08.04.2022

Mr. Asif Ali Brohi, Advocate for applicant.

Ms. Safa Hisbani, Assistant Prosecutor General Sindh.

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Irshad Ali Shah J:- The applicant with one more culprit in all were found in possession/transporting of 17 Kgs of opium through their car, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 5th Additional Sessions Judge/MCTC, Shaheed Benazirabad has sought for the same from this Court by way of filing application u/s 497 Cr.PC.

3. It is contended by the 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 of the incident and liability of the applicant, if any, is only to the extent of 02 KG of the opium which was secured from him by police on his person search. By contending so, he sought for release of the applicant on bail on the point of further enquiry.

4. Learned Assistant Prosecutor General has opposed to grant of bail to the applicant by contending that offence with which the applicant is charged is affecting the society at large.

5. Heard arguments and perused the record.

6. The applicant is named in F.I.R with specific allegation that he and the co-accused were found in possession/transporting in all 17 KGs of the opium through their car. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the police by foisting huge quantity of opium upon him. Of course, there is no independent witness to the incident but there could be made no denial to the fact that the police officials are as good witnesses as others until and unless some malafide is alleged and then is proved against them, which obviously is lacking in present case. It is the case of conjoint liability; therefore, it would be immaterial to say that on search from the applicant has recovered by police only two KG of the opium and his liability, if any, is only to that extent. The offence which the applicant allegedly has committed obviously is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence with which, he is charged.

7. In view of the facts and reasons discussed above, it could be concluded safely that no case for grant of bail to the applicant is made out. Consequently, instant bail application is dismissed.

JUDGE

*Muhammad Danish**