

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-527 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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20.06.2023

Mr. Mumtaz Sachal Awan advocate for applicant along
with applicant on ad-interim pre-arrest bail.

Ms. Safa Hisbani, Assistant Prosecutor General

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MUHAMMAD IQBAL KALHORO, J.- ASI posted at PS Talhar on spy information during patrolling with his team raided a house near Benazir Colony within limits of PS Talhar on 19.04.2023 at about 1230 hours where he saw applicant preparing desi wine for selling purpose. Applicant, however, seeing police, made his escape good and from the spot the said ASI recovered 636 canes of unprepared desi liquor and 28 liters of prepared desi liquor, which recovery was notified under the police docket and brought at Police Station where present FIR was registered against him.

2. Learned counsel in defense submits that applicant has been falsely implicated because his son kept a post on Facebook against SHO PS Talhar in November 2022 of being complicit with drug peddlers. And as a result of which the cases have been registered against applicant. He further submits that escape of applicant in presence of police party requires further inquiry. His arguments have been opposed by learned Assistant PG who submits that applicant is a history sheeter, and as many as 20 cases were registered in the past.

3. I have considered submissions of the parties and perused material available on record. It is stated by the counsel that in all the cases applicant has been acquitted. Be that as it may, applicant's presence without any helper on the spot and his escape from the house in presence of police party is a question which requires further inquiry. Moreso, the offence does not fall within prohibitory clause u/s 497(1) CrPC. Hence, this application is allowed and applicant's ad-interim pre-arrest bail granted to him

vide order dated 26.05.2023 is hereby confirmed on the same terms and condition.

5. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Ali Haider