

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S- 837 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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23.10.2023.

Mr. Zafar Hameed, Advocate files Vakalatnama on behalf of applicant alongwith applicant (on bail).

Ms. Sana Memon, A.P.G for State.

ORDER

Mohammad Karim Khan Agha, J.- The applicant Hussain was booked in Crime No.80/2023 registered at Police Station Pangrio in respect of the offence u/s 8 SPPMSS and Use of Gutka and Mainpuri Act, 2019. He approached the learned trial Court for pre-arrest bail which was declined by order dated 25.07.2023 hence he has now approached this Court for the same relief.

2. The brief facts of the case as per FIR are that on 09.07.2023 at 1500 hours complainant ASI Meva Ram Menghwar posted at PS Pangrio District Badin was on patrolling with his subordinate staff when they saw a red colour motorcycle driven in suspicious condition. They stopped the morocycle and apprehended Ali Gul who is the main accused in this case. In the meantime the other person sitting on the back of the motorcycle namely Hussain (present applicant) made his escape good. The applicant was subsequently nominated on the disclosure of co-accused. On search of accused Ali Gul 4400 sachets of Safina Ghutka and 5500 sachets of Roil King Ghutka were recovered.

3. I have heard the parties and perused the record. Learned A.P.G does not oppose the grant of confirmation of this interim pre-arrest bail.

4. I find that the offence so charged is bailable offence carrying maximum sentence of three (03) years and there are no exceptional circumstances to deny the bail. In addition the applicant was not arrested at spot and his name comes into the picture on disclosure of co-accused Ali Gul. It is settled by now that evidence of one co-accused against other has no legal value. Keeping in view that the learned A.P.G has not opposed the confirmation of interim pre-arrest bail and the above discussion, I hereby allow this bail application and confirm the interim pre-arrest bail earlier granted to the applicant on same terms and conditions. However, the applicant shall ensure that he attends the trial Court proceedings on each and every date of hearing.

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

6. Pre-arrest bail application is disposed of in above terms.

JUDGE

Tufail