

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Bail Application No.S-531 of 2023

Applicant: Aqib Ali son of Aalam Khan through Mr. Taimoor Hussain Behrani, Advocate.

Respondent: The State through Mr. Nazar Muhammad Memon, Deputy Prosecutor General, Sindh along-with D.S.P Muhammad Ayoub Brohi on behalf of SSP Sanghar, Manzoor Ali SIP P.S Shahdadpur, Inspector Muhammad Nadeem P.S Khipro, Inspector Abdul Haque and SIP Allah Bux PS Sinjhor.

Date of hearing: **21.08.2023**
Date of Order: **21.08.2023**

O R D E R

ZULFIQAR ALI SANGI, J:- Applicant Aqib Ali seeks post arrest bail in Crime No. 85 of 2023 registered under section 9(i) (3) (C), CNS Act, 1997 at P.S Khipro. Earlier his application seeking same relief was declined by learned Additional Sessions Judge-I (MCTC) / Special, Judge for CNS Cases, Sanghar vide order dated 24.05.2023.

2. Complainant / SIP Sultan Ahmed Keerio of P.S. Khipro alleges that on 16.05.2023 during patrol duty spy information received to him whereon reached at Khipro-Mirpurkhas road near Mujahid stop and arrested the present applicant from whom secured a black shopper containing multiple big and small pieces of chars weighing in 2100 grams, hence the present case was registered on behalf of the state.

3. Pursuant to directions contained under previous order, learned APG submits compliance report of order dated 07.08.2023, taken on record.

4. Learned counsel for applicant submits that besides the present applicant who is said to have recovered 2100 grams of chars, his other fellow village people were also arrested in similar narcotics cases; however, the punishment provided by the law is 'may extend to 14 years but shall not be less than 09 years', therefore, at bail stage lesser punishment is to be considered as appreciated by superior Courts, hence prays for grant of bail.

5. Learned Addl. P.G, Sindh appearing for the State, though did not controvert the fact that the punishment provided by the law for alleged offence is 14 years or minimum 09 years same does not fall within prohibitory clause of section; however, he opposes the bail application.

6. Heard arguments and perused record.
7. It is observed that the relatives of the applicant namely Amjad Ali (FIR No.131 of 2023) Zahoor Bux (FIR No.180 of 2023) and Rashid Ali (FIR No.63 of 2023) have been granted bail by the learned Trial Court vide order dated 20.05.2023. Today in compliance of order dated 07.08.2023 Investigation Officers of FIRs No.85, 131, 53, 180 and 63 of 2023 are present however they have not provided satisfactory explanations in respect of their investigation being carried out in said FIRs and submit that due to pressure from high ups they submitted challan of the above FIRs. In such circumstances and in the interest of justice, the Deputy Inspector General of Police Hyderabad Region is directed to appoint honest officers and hand over to them these FIRs No. 85, 131, 53, 180 and 63 of 2023 for re-investigation of the cases as well as to ensure submission of proper report before the concerned Trial Court and also submit compliance report before this Court through Additional Registrar.
8. In view of above facts and circumstances of present case and after the narration of the investigating officers as discussed above, I am of the opinion that applicant/accused has succeeded to make out a good prima facie case of further inquiry within meaning of subsection 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed. Applicant Aqib Ali son of Aalam Khan shall be released on bail subject to furnishing his solvent surety in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) and PR Bond in the like amount to the satisfaction of learned trial Court.
9. This Criminal Bail Application is disposed of in the terms indicated above.

JUDGE

Muhammad Danish*