

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.
Crl. Bail Application No.S-159 of 2024
(Naveed Ahmed Pathan Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 1369/2024. (Ex./A)
3. For hearing of bail application.

O R D E R

01-04-2024.

Mr. Muhammad Bux Bangwar, advocate for the applicant.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged that on arrest from the applicant was secured 1600 grams of charas by the police party of P.S B-Section Khairpur led by ASI Ali Bux Shahani, for that he was booked and reported upon by the police. On refusal of bail by the learned Ist Additional Sessions Judge (MCTC/CNS) Khairpur, the applicant has sought for the same from this Court by way of instant application u/s 497 Cr.P.C.
2. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police by foisting charas upon him; the investigation of the case has been conducted by ASI which is against the spirit of law; there is no independent witness to the incident and case has finally be challaned; therefore, the applicant is entitled to be released on bail on point of further inquiry, which is opposed by learned Additional P.G for the State by contending that the offence alleged against the applicant is affecting the society at large. In support of his contention he has relied upon case of *Gul Din Vs. The State (2023 SCMR 306)*.

Heard arguments and perused the record.

The applicant is named in FIR with specific allegation that on arrest from him has been secured 1600 grams of charas by the police party of PS B-Section Khairpur. 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 upon him the charas. 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 in absence of any malafide, which apparently is lacking. It is settled by now that the investigation of the such like cases could be conducted by an ASI; such controversy even otherwise could not be resolved by this Court at this Stage simply for the reason that the deeper appreciation of the facts and circumstances is not permissible at bail stage. The minimum sentence prescribed by the law for the alleged offence by way of Amendment now is nine years. The offence alleged against the applicant 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; thus, no case for his release on bail on point of further inquiry is made out.

In view of above, the instant bail application is dismissed, with direction to learned trial Court to expedite the disposal of very case against the applicant preferably within two months, after receipt of copy of this order.

J U D G E