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

Crl. Bail Appln. S-329 of 2018.
Crl. Bail Appln. No.S-331 of 2018.
Crl. Bail Appln. No.S-332 of 2018.
Crl. Bail Appln. No.S-335 of 2018.
Crl. Bail Appln. No.S-336 of 2018.
Crl. Bail Appln. No.S-338 of 2018.
Crl. Bail Appln. No.S-344 of 2018.
Crl. Bail Appln. No.S-405 of 2018.
&
Crl. Bail Appln. No.S-387 of 2018.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE

10.09.2018. **For Hearing of Bail Application.**

Applicant in Crl. Bail Appln. No.S-329 of 2018.

(i) Chandar Kumar alias Chandar Lal son of Garbomal through Mr. Abdul Rehman Bhutto, advocate.

Applicants in Crl. Bail Application No.S-331 of 2018.

(i) Noor Hassan son of Muhammad Nawaz Behlkani.
(ii) Muhammad Ali son of Noor Muhammad.
(iii) Abdul Rauf son of Muhammad Qassim.
(iv) Shad Muhammad son of Shah Bux.
(v) Pehlwan son of Ghulam Fareed.
(vi) Mehtab Ahmed son of Abdul Wali Khoso.

Through Mr. Muhammad Hashim Soomro, advocate.

Applicants in Crl. Bail Appln. No.S-332 of 2018.

(i) Ghous Bux son of Muhammad Luqman Mashori.
(ii) Ghulam Fareed son of Muhammad Saifal alias Saifal Solangi.
(iii) Allah Rakhio son of Yar Muhammad Kalwar.
(iv) Heeranand son of Gurdas Mal, Hindu.
(v) Riaz Ahmed son of Abdul Rasool Khan Soomro.
(vi) Abdul Majeed son of Godho Solangi.
(vii) Bashir Ahmed son of Mubarak Khan Noonari.
(viii) Sohail Ahmed son of Muhammad Sadiq Sarki.
(ix) Maqbool Ahmed son of Muhammad Usman Dayo.
(x) Muhammad Abu Bakar son of Adam Khan Golo.
(xi) Syed Fayaz Ahmed Shah son of Syed Ashiq Hussain Shah.
(xii) Qurban Ali son of Ghulam Rasool Khoso.
(xiii) Mumtaz Ali son of Miandad Noonari.
(xiv) Asghar Ali son of Abdul Rehman Jat.
(xv) Abdul Fatah son of Subhat Noonari.
(xvi) Abdul Sattar son of Qalandar Bux Shaikh.
(xvii) Muhammad Qasim son of Haji Khan Noonari.
(xviii) Muhammad Ibrahim son of Umed Ali Sarki.
(xix) Sanwal Shah son of Raban Shah.

Through Mr. Syed Tahir Abbas Shah, advocate

Applicants in Crl. Bail Application No.S-335 of 2018.

(i) Muhammad Bux son of Abdul Majeed.
(ii) Asghar Ali son of Manzoor Ahmed.
Through Mr. Imdad Ali Tunio, advocate.

Applicants in Crl. Bail Application No.S-336 of 2018.

(i) Nawab Ali son of Qadir Mirani.
(ii) Muhammad Salah Saleh son of Bhagio Chachar.
(iii) Ali Jan son of Atta Sabzoi.
(iv) Munir Ahmed son of Alam Khan Khoso.
(v) Abdul Salam son of Abdul Hameed Bhutto.
(vi) Sahil son of Roshan Lal Hindu.
(vii) Muhammad Jeal son of Gahno Khan Khoso.
(viii) Ghayoor Abbas son of Abdul Khalique Soomro.
(ix) Abdul Ghaffar son of Muhammad Amin.
(x) Jagdesh Kumar son of Darshan Lal Hindu.

Through Mr. Muhammad Ismail Chandio, advocate.

Applicants in Crl. Bail Appln. No.S-338 of 2018.

(i) Bashir Ahmed son of Gul Muhammad.
(ii) Rasheed Ahmed son of Gul Muhammad Khan.
(iii) Aijaz Ahmed son of Haji Khan.
(iv) Saif-ur-Rehman son of Ghulam Mustafa.

Through Makhdoom Syed Tahir Abbas Shah, advocate.

Applicant in Crl. Bail Appln. No.S-344 of 2018.

(i) Sajjad Hussain son of Razique Dino Soomro through Mr.Muhammad Ismail Chandio, advocate.

Applicant in Crl. Bail Appln. No.S-405 of 2018.

(i) Nasir Hussain son of Hazoor Bux, through Mr. Syed Tahir Abbas Shah.

Applicants in Crl. Bail Appln. No.S-387 of 2018.

(i) Gulab Khan son of Ghulam Qadir Noonari.
(ii) Mitha Khan son of Muhammad Khan Rind.

Through Mr. Abid Hussain Qadri, advocate.

Respondent : The State through Mr. Khadim Hussain Khooharo, Addl. P. G.

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ZAFFAR AHMED RAJPUT, J- Through Crl. Bail Appln. Nos.S-329, 331, 332, 335, 336, 338, 344 & 405 of 2018, the applicants above named seek pre arrest bail and in Crl. Bail Appln. No.S-387 of 2018, the applicants seek post arrest bail in Crime No.02/2017 registered at

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Police Station ACE District Kashmore at Kandhkot under sections 161, 205, 419, 420, 34, PPC R/w Section 8.5(2) Act-II of 1947. Their earlier bail before arrest application bearing No.02 of 2018 was heard and dismissed by the learned Special Judge, (Provl) Larkana vide order dated 29.06.2018. The applicants were admitted to ad-interim bail by this Court vide orders dated 02.07.2018, 03.07.2018, 04.07.2018, 06.07.2018 & 18.08.2018 respectively. Now they seek confirmation of the same. While through Crl. Bail Appln. No.S-387 of 2018, the applicants, namely, Gulab Khan and Mitha Khan seek post arrest bail in aforementioned crime/offence.

2. Heard learned counsel for the applicants, learned A.P.G and perused the material available on record.

3. The aforementioned FIR has been lodged by Inspector Sanaullah Awan of ACE Kashmore at Kandhkot on 28.12.2017 on behalf of the State stating therein that the same was registered on the report of DHO, dated 21.08.2017 and orders of Deputy Director, ACE, dated 23.11.2017, so also order of Sessions Judge, Kashmore Kandhkot, dated 28.12.2017, and in the result of raid conducted under the supervision of Second Civil Judge & Judicial Magistrate Kandhkot. It is further stated that Nizamuddin son of Jamaluddin by caste Ghaloo and Gurmukhdas son of Totomal Hindu in collusion with Regional Drug Inspector Muhammad Shoeb Ansari introducing theinselves as allopathy doctors are giving treatment to the public and owner of the "Jhoolay Lal Medical Store" Satargun son of Tharo Mal Hindu in collusion with aforesaid Drug Inspector introducing himself as qualified and registered Medical Store is selling the medicines illegally.

4. It appears that the name of present applicants/accused are not appearing in the FIR and even interim challan submitted by the ACE Kandhkot does not show their names and it is only the final challan submitted on 09.04.2018 after three months and ten days of lodging of the FIR, the names of present applicants accused have been

shown in the final challan. It is also an admitted position that the nominated accused, namely, Nizamuddin, Gurmukhdas and Satargun have already been admitted to post arrest bail by the Court of Special Judge, Anti-Corruption (Provl), Larkana vide order dated 10.01.2018 by observing that the instant FIR has been registered on the report of DHO with permission of competent authority on 28.12.2017 with delay and no plausible explanation is brought on record; that the record shows that there is affidavit of Dr. Abdul Aziz Soomro that accused Nizamuddin is serving as Compounder on his clinic and co-accused has submitted valid license which was issued by the competent authority which is valid up to 02.12.2016. The case of present applicants is even on better footings than the case of nominated accused who have been admitted to bail by the learned trial Court hence on the rule of consistency they are also entitled for the concession of bail. Accordingly ad-interim bail order passed on 02.07.2018, 03.07.2018, 04.07.2018, 06.07.2018 & 18.08.2018 are confirmed on the same terms and conditions while applicants Gulab Khan and Mitha Khan who are seeking post arrest bail in Crl. Bail Application No.S-387 of 2018 are admitted to bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees. One lac only) each and P.R bond in the like amount to the satisfaction of trial Court.

5. The aforementioned bail applications stand disposed of accordingly.

Judge