

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-201 of 2025

Applicant: Muhammad Yaqoob Son of Lakhadino Panhwar.
Through Mr. Arbab Ali Jinjh, Advocate.

Respondent: The State
Through Ms. Rameshan Oad, A.P.G along-with Inspector / I.O
Muhammad Khan Kaloi.

Date of hearing: 26.03.2025

Date of order: 26.03.2025

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.95 of 2024 registered under section(s) 9 (C) CNS Act, with P.S Nindo. After the arrest applicant preferred his bail plea before the Court of Sessions Judge / Special Court Anti Narcotics, Badin vide Criminal Bail Application No.170 of 2025 (Re-Muhammad Yaqoob Vs. The State) and same was dismissed vide impugned order dated 07.02.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as impugned order passed by the Sessions Judge / Special Court Anti Narcotics, Badin, therefore, there is no need to reproduce the same.

3. It is, *inter alia*, contended by the counsel for the applicant that applicant has been falsely implicated in the case when he was returning after attending the Court of 1st Additional Sessions Judge Badin in Sessions Case No.69 of 2024. The counsel further states that upon registration of 17 FIRs at different police stations, the applicant moved application for constitution of JIT as police is continuously harassing him and involving him in false cases.

4. On the other hand, the learned APG strongly opposed bail application and stated that accused has involved in 17 FIRs of identical nature and is a habitual offender.

5. I have heard the learned counsel for parties and perused the record.

6. It is an admitted position that applicant has filed C.P. No.1166 of 2024 which has already been disposed of by extending legal protection to the applicant while restraining the police to act in accordance with law. On Court inquiry, the official present in Court has informed that there is record against the applicant for his involvement in more than 17 cases while no action has taken by police to bring the name of applicant in Red book maintained for criminal and conversely the conduct of the applicant seems to be fair as he has filed constitutional petition so also Criminal Miscellaneous Application before the Sessions Judge Badin against the officials. In my tentative assessment, this is a case of further inquiry, even otherwise, the offence does not fall within the prohibitory clause and the rule laid by the Hon'ble Supreme Court is that in those matters bail is a matter of right and refusal is an exceptions. Even the challan has been submitted before the Trial Court and applicant is not required for investigation. It is not case of the prosecution that applicant if released on bail will temper or destroy the evidence or any apprehension to threat the prosecutions' witnesses. In view of the above, the learned counsel for the applicant has made out a case for grant of bail, therefore, the bail application is **allowed**. Consequently, the applicant is granted concession of post arrest bail subject to furnishing his solvent surety in sum of Rs.50,000/- and P.R bond in the like amount, to the satisfaction of Trial Court.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

J U D G E

Muhammad Danish