

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 567 of 2017

DATED	ORDER WITH SIGNATURE OF JUDGE
25.01.2018	

For hearing

Applicant is present on interim bail
Mr. Shahzad Saleem Nahiyoona, D.P.G.

OMAR SIAL, J.-Applicant Mir Hassan has sought pre-arrest bail in Crime No. 37 of 2016 registered under Section 9(c) of the Control of Narcotic Substances Act, 1997, at police station Mirwah Gorchani on 04.09.2016. Earlier, his pre-arrest bail application was turned down by the learned Sessions/ Special Judge (CNS Act, 1997), Mirpurkhas vide an order dated 29.6.2017.

2. Brief facts of the prosecution case as stated by the complainant SIP Muhammad Bux in aforementioned FIR are that he along with his subordinate staff was on patrol duty when they saw three persons walking towards them on the road from village Haji Sagheer Link. Each person carried a black plastic bag. Upon seeing the police party they attempted to flee. One of the three person, namely, Muhammad Asif was apprehended along with his plastic bag, which upon search was found to contain 2 kgs of narcotics (charas). Muhammad Asif told the police that the names of his absconding companions were Javed Khoso and Mir Hassan Khoso. The bags that the absconding accused had thrown and run away were searched and 2 kgs of charas were discovered in each bag. The police arrested the accused Muhammad Asif and registered the aforementioned F.I.R. against him and the two companions he had identified.

3. I have heard learned counsel for the Applicant as well as learned DPG and have examined the available record with their able assistance. My observations are as follows:

- i. Apart from an alleged statement of the co-accused against the present Applicant the prosecution, at this stage, does not seem to be in possession of any evidence against the Applicant.
- ii. Recovery was not made from the possession of the Applicant but allegedly from a bag that was thrown away by him.

- iii. Investigation in the matter is complete and challan has been submitted. Case diary of the trial court shows that the Applicant is attending hearings.
 - iv. Witnesses are all police officials, therefore there is no chance of tampering in the evidence.
 - v. On the evidence that is available at this stage, the Applicant's apprehension that he will be humiliated and disgraced by the police cannot be easily brushed aside.
4. Above are the reasons for my short order of 25-1-2018 in terms of which the interim pre-arrest bail granted to the Applicant on 18-7-2017 was confirmed on the same terms and conditions.

JUDGE