

75

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Cr. Bail Appln. No. S- 333 of 2016.

71

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Date \_\_\_\_\_ Order with signature of Judge. \_\_\_\_\_

1. For orders on office objection as flag A.
2. For hearing.

21.11.2016.

Mr. Sarfraz Khan Jatoti, advocate for the applicant.

Mr. Gada Hussain Abro, DDPP for the State.

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**Muhammad Iqbal Kalhoru-J.:-** By means of this application, the applicant is seeking post arrest bail in Crime No.41 of 2016 registered U/S 9(c) C.N.S Act at P.S Market District Larkana.

Applicant was arrested on spy information from the bank of Fittal Gharr Wah within jurisdiction of P.S Market on 03.4.2016 at about 1300 hours and from his possession allegedly 5500 grams of charas was recovered. During pendency of the trial, he moved a bail application before the trial Court, which has been dismissed vide order dated 17.6.2016.


Learned counsel for the applicant has argued that the applicant was picked up by the police on 27.3.2016 that is much earlier to the incident, and it was reported in various newspapers; that subsequently on 31.03.2016 for recovery of the applicant, an application U/S 491 Cr.P.C was filed by his brother before learned Sessions Judge, Larkana, and although in response to which the raid conducted by the learned Civil Judge at Police Station Allahabad was unproductive as the applicant was not found confined there, but it atleast shows that arrest of the applicant was agitated by his family much before registration of the F.I.R and this fact alone would make the case against the applicant to be of further enquiry because the family of the applicant could not be expected to know in advance about arrest of the applicant. In support of his contentions, learned counsel has relied upon the case laws reported in 1999 SCMR 617, 2001 MLD 1323, 1994 P.Cr.L.J 1334 and an unreported case bearing Cr.Bail Appln. No.S-332 of 2016.

On the other hand, learned A.P.G has opposed grant of bail to the applicant on the ground that he is shown arrested at the spot with huge quantity of charas which can not be foisted on him in absence of enmity. And he has not agitated any enmity against the complainant party.

I have considered the submissions and perused the material available on record including the case laws cited at the bar. It appears that a Cr.Misc. Application bearing No. 60 of 2016 was moved by brother of the applicant against his alleged illegal confinement by the police officials of Allah Abad Larkana on 31.3.2016, which is earlier to alleged arrest of the applicant. In response to which the raid was conducted by the Civil Judge & Judicial Magistrate-III, Larkana, but he could not find the applicant detained at the said Police Station. Despite the fact that raid was unsuccessful, but it atleast shows that arrest of the applicant was agitated by the applicant's family much earlier to his alleged arrest in the present F.I.R. This application moved against the police officials prior to the incident has made the case of the applicant to be of further enquiry as false implication of the applicant in such circumstances can not be ruled out. Applicant is not shown previously involved in any of such case and learned DDPP has not doubted veracity of above criminal miscellaneous application filed before learned Sessions Judge, Larkana by the brother of the applicant. In such circumstances, I am of the view that the applicant has been able to make out a case for grant of bail, consequently, he is granted bail subject to furnishing a solvent surety in the sum of Rs.200,000/= and P.R bond in the same amount to be executed before the trial Court.

However, before parting with this order, I would like to direct the trial Court to expedite the trial and conclude it within two months. It is made clear that no adjournment shall be granted to the applicant except only on some cogent grounds and if any adjournment is granted to him, the reasons shall be recorded by the learned trial Court. But, in any case not more than one adjournment shall be granted to the applicant and if the applicant is found causing delay in the trial, the trial Court would be competent to take action against him in accordance with law including cancellation of his bail without seeking permission from this Court.

The bail application is disposed of in above terms. The findings recorded are tentative in nature and would not prejudice either party in the trial.

  
JUDGE 21-11-2016