

28

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

Crl. Bail Appln. No. S- 246 of 2017.

Date of hearing	Order with signature of Judge
22.08.2017.	

Applicant present in person.
Mr. Sardar Ali Rizvi, D.P.G.

~~~~~

Omar Sial, J: Applicant Ayaz Ali Jokhio has sought pre-arrest bail in Crime No. 54 of 2017 registered under Sections 3 and 4 of the Prohibition (Enforcement of Hadd) Order 1979, at the Market Police station, Larkana. The Applicant's earlier pre-arrest bail application was turned down by the learned Sessions Judge, Larkana.

2. Brief facts of the case are that on 07.11.2012 a police party led by Sub Inspector Rahim Mugheri was on normal patrol duty when it received information that the Applicant is standing outside his house and that he has alcohol with him. When the police party reached the identified spot they saw the Applicant and two other unidentified persons standing there with plastic bags. Upon seeing the police party the Applicant and one of the two unidentified persons left the plastic bags on the spot and ran away. The third person was apprehended and identified as Saleem Jokhio. The plastic bag dropped on the scene by the Applicant was seized and 6 bottles of alcohol were found in it. Out of the 6 bottles, one bottle was sealed for chemical analysis. The aforementioned FIR was registered against the Applicant, Saleem Jokhio and the unidentified person.

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

4. The Applicant has been implicated in this case on the statement of the co-accused Saleem Jokhio who was said to be arrested

from the spot. Nothing was recovered from the exclusive possession of the Applicant who was also not apprehended on the spot. It also seems strange that the apprehended accused Saleem Jokhio knew the name of the Applicant but was completely unaware as to who the third person along with him was. The Applicant had earlier in 2013 filed a constitutional petition being S-890 of 2013 against the members of the same police station where the current FIR is registered for frequent raids on his house by the police. In such circumstances the argument of applicant that the sole reason the he has been nominated in this case is due to an ongoing dispute with the police, cannot be conclusively ruled out at this stage.

5. Upon query from this Court as to whether there is any report from the chemical examiner on the seized bottle of alcohol, the learned DPG stated that there was none on the police file. It is therefore, yet to be seen whether the bottle allegedly seized contained alcohol or not. In view of the above, the case of the Applicant warrants further enquiry.

6. Above are the reasons for my short Order of 22.8.2017, in terms of which the interim pre-arrest bail granted to the Applicant on 15.6.2017 was confirmed on the same terms and conditions.

  
8/9/17  
JUDGE