

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
LARKANA**

**Criminal Bail Application No. S-148 of 2022**


Applicant: Muhammad Ameen,  
Through Mr. Ashfaq Hussain Abro,  
Advocate.

The State: Through Mr. Khalil Ahmed Mettlo,  
D.P.G for the State.

Date of hearing: 30-06-2022

Date of Decision: 30-06-2022

**ORDER**

**MAHMOOD A. KHAN, J.-** This bail application U/S 497 Cr.P.C has been filed in respect of FIR No. 04/2022, registered at P.S Garhi Yaseen, for the offence U/S 9(c) P.P.C. The applicant was apprehended at the spot by the police officials stating that on the day of incident he along with his sub-ordinate staff left P.S. on official vehicle, as per entry No.18 for patrolling in their limits, during patrolling from different places he received spy information that present applicant having charas is available at link road near Sui Gas Office for conveyance. Complainant reached at pointed place where they found same person having charas, he was apprehended along with charas, complainant appointed the officials as mashirs and weighed the charas, which became two K.Gs, thereafter the complainant brought the accused along with recovered property at Police Station. 

2. It is however observed that translation has not been filed in this matter on part of the applicant.
3. Learned counsel for the applicant contends that delay is present in sending the recovered substance on part of the I.O and according to him, the same was sent on 28.01.2022, whereas the F.I.R was lodged on 26.01.2022; non-compliance of Section 103 Cr.P.C is present in the matter, which was available as information according to the F.I.R was available with the I.O before apprehending the applicant. It is also contended that two petitions were filed by close relatives of the applicant against the police officials and as such malafide is also considerable; that the sentence of four and half years is attracted according to the sentencing policy and the same does not cover the prohibitory element of Section 497 Cr.P.C and as such bail may be considered for the applicant. In support of his contentions, he has relied upon the case of *Sabir Shah versus The STATE (2017 P.Cr.L.J Note 99)*, *Shoukat Khan versus The STATE (2017 P.Cr.L.J Note 56)* and *Muhammadullah versus The STATE (2009 SCMR 954)*.
4. On the other hand, learned D.P.G, opposes the grant of bail and relies upon the case of *Noor Khan versus The STATE* reported as **2021 SCMR 1212**, wherein 1300 grams of charas was recovered hence the bail may be declined.
5. Having heard the learned counsel for the applicant, learned D.P.G. and perused the material available on the record.
6. The recovery of two K.Gs charas has been alleged against the present applicant in this matter and from the record

available before this Court, the allegation in the matter are yet to be passed the stage of evidence. At this stage, no ground has been made out for the concession of bail. As from the allegation, the police officials are not found to have lost their credibility in respect of Section 103 Cr.P.C, which is not so directly considerable for narcotics. The petitions filed by the close relatives of the applicant are in respect of different police stations then where the F.I.R was lodged. The sentencing policy is also under question and as such in the present circumstances at this stage no case for bail is made out. Accordingly, instant criminal bail application stands dismissed. However, trial court is directed to make sincere efforts to conclude the proceedings by recording evidence of the prosecution witnesses preferably in less than two months' time and in case the applicant is able to require any further grounds during the said proceedings, he may file the fresh bail application on the grounds as may be available to him.

7. Instant bail application stands disposed of accordingly.

  
J U D G E

Abdul Salam/P.A