

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD.

CrI. Bail Appln: No. S-370 of 2018.

Kheto s/o SaroopoApplicant.

Versus.

The State.Respondents.

Mr. Abdul Aziz Memon, Advocate for Applicant.

Ms. Safa Hisbani, APG.

Date of hearing and order 05.06.2018.

O R D E R

IRSHAD ALI SHAH, J. It is alleged that on arrest from the applicant was secured 1050 grams of Opium by the police party of P.S Mithi which was led by Inspector Mubarak Ali Rajar for that he was booked in challan in the present case.

2. On having been refused post-arrest bail by the learned Trial Court, the applicant has sought for the same from this Court by making the instant bail application under section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police, quantity of the opium allegedly recovered from the present applicant is constituting a border line case between clause-B and C of Section 9 of CNS Act. By contending so he sought for release of the applicant on bail as according to him his case is calling for further inquiry. In support of his contention he relied upon case of **Abdul Salam vs. the State** which is reported at **2018 P.Cr.L.J Note 94** and **order dated 12.2.2016** of this Court passed in **Cr.B.A.No.S-1245 of 2015** wherein accused carrying with him 1100 gram of opium was admitted to bail.

4. Learned APG has opposed to grant of bail to the applicant by contending that the offence which he allegedly has committed is affecting the society at large.

5. I have considered the above arguments and perused the record.

6. There is no independent witness to the incident. The case has finally been challaned. The applicant is in custody for more than two months. There is no chance of tempering with the evidence, as all the witnesses are police officials. The recovery of opium allegedly from the applicant is constituting a border line case between clause-B and C of Section 9 of CNS Act. In that situation it is rightly being contended by learned counsel for the applicant that the applicant is entitled to be released on bail as his case is calling for further enquiry.

7. In view of above while relying upon the case law which is referred by the learned counsel for the applicant, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/= and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application stands disposed of in above terms.

J U D G E

Ahmed/Pa