

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Bail Appln: No.S-465 of 2018.

Mattar Khan. Applicant.

Versus.

The State. Respondent.

Mr. Mumtaz Alam Laghari, Advocate for the Applicant.
Ms. Sobia Bhatti, APG.

Date of hearing and order 26.06.2018.

O R D E R

IRSHAD ALI SHAH, J. It is alleged that on arrest from the applicant was secured 2100 grams of Charas in shape of 07 pieces by the police party of PS: B-Section Shaheed Benazirabad, which was led by SIP Manzoor Husain Solangi, for that he was booked and challaned in the present case.

2. On having been refused bail by the learned trial Court, the applicant has sought for the same from this Court by making the instant 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 only to show its efficiency, there is no independent witness to the incident and the present applicant in custody since 50 days without any progress in trial. 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 cases of **Muhammad Saeed Khan and others v. The State (2016 PCr.LJ**

730), (2) Asghar Ali v. The State (2018 MLD 129) and (3) Rashid Hussain v. The State (2018 PCr.LJ 590).

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

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

6. The complainant was having prior information of the incident, yet, he associated no independent person with him to witness the possible arrest and recovery, which appears to be significant. There was no purchaser of the charas. The case has finally been challaned. There is no criminal history of the applicant. There is no likelihood of tampering with the evidence on the part of the applicant, as all the witnesses are police personnel. The applicant is in custody since 50 without any active progress in the trial. In these premises, it is rightly being contended by learned counsel for the applicant that applicant is entitled to be released on bail, as his case is calling for further inquiry.

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.

JUDGE