

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.584 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application

15.05.2019

Mr. Muhammad Imran Kalmati, advocate for the applicant.
Ms. Amna Ansari, Addl.P.G. Sindh.

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1. Through instant bail application, applicant/accused seeks bail after arrest in **FIR No.76/2019**, under **Section 6/9-C** CNS Act, **1997** registered at police station Sukkan, Karachi. Earlier the applicant/accused approached the IInd Addl. Sessions Judge, Malir Karachi for post arrest bail, which was declined vide order dated **16.04.2019**. Thereafter, the applicant approached this Court for grant of post arrest bail.

2. Brief facts of the prosecution case as per FIR are that on 02.03.2019 complainant ASI Mohammad Yaseen, during patrolling at Shaitan Chowk, Rerhi Goth road, Bhains Colony, Landhi, apprehended present accused being suspicious having a black color shopper in his right hand. Upon search of shopper police recovered charas weighing 1600 grams and cash Rs.150/-. The police on such recovery booked accused in present crime.

3. Learned counsel for the applicant contended that applicant/accused is innocent and has falsely been booked in this crime by the complainant. He further contended that alleged recovery is foisted upon the applicant as nothing has been recovered from possession of the applicant, therefore, the case requires further inquiry, therefore, applicant / accused is entitled

for concession of bail. Learned counsel for the applicant has relied upon the following case law.

- i. Asghar Ali..Vs.. The State (**2018 MLD 129**)
- ii. Amir Mehmood ..Vs.. The State (**2014 MLD 1323**)
- iii. Ateeb-ur-Rehman @ Atti Mochi ..Vs.. The State (**2016 S.C.M.R 1424**)
- iv. Jamal-ud-Din @ Zubair Khan ..Vs.. The State (**2012 SCMR 573**)

4. Learned Addl. P.G opposed the bail application contending that recovery is made from the applicant/accused therefore, the present applicant is not entitled to concession of bail.

5. I have heard the arguments and perused the record and I have noticed as under:-

- i. No independent eye witness is joined in order to attest the memo of arrest and recovery.
- ii. Applicant/accuses is behind the bars for more than two months and is no more required for further investigation; therefore, no useful purpose would be served by keeping the applicant behind the bars for indefinite period.
- iii. The case law relied by learned counsel squarely cover the facts of the case of appellant too.

6. In view of the above, the applicant / accused is admitted to bail subject to furnishing solvent surety in the sum of **Rs.1,00,000/-** and P.R bond in the like amount to the satisfaction of trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

JUDGE

SM