

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

**CrI. Bail Appln: No.S-470 of 2018.**

Habibullah. . . . .Applicant.

Versus.

The State. . . . .Respondent.

Mr. Muhammad Sharif M. Sial, Advocate for the Applicant.

Ms. Safa Hisbani, APG.

Date of hearing and order 29.06.2018.

**O R D E R**

**IRSHAD ALI SHAH, J.** It is alleged that on arrest from the applicant was secured 2100 grams of Charas by the police party of PS: Daur, which was led by SIP Mehmood Akhtar, 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, there is no independent witness to the incident and the applicant is in custody since four months without any active progress in his 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 **Asghar Ali v. The State (2018 MLD 129)**.

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. The complainant was having advance information of the incident, yet, he failed to associate with him any independent person to witness the possible arrest and recovery, which appears to be significant. There was no purchaser of the charas. The case property has been sent to the Chemical Examiner on third day of its alleged recovery. The case has finally been challaned. 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 five months 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

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