

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD.

Criminal Bail Application: No. S- 426 of 2020

Gul Sher. Applicant.

Versus

The State. Respondent.

Mr. Muhammad Sharif Siyal, Advocate for the Applicant.

Ms. Sobia Bhatti, APG.

Date of hearing and order 28.05.2020

O R D E R

IRSHAD ALI SHAH, J. It is alleged that on arrest from the applicant was secured 2000 grams of Charas by the police party of P.S Airport Shaheed Benazirabad, led by SIP Ayaz Hussain Mallah, for that he was booked and reported upon.

2. On having been refused bail by the learned Sessions / Special Judge (CNS) Shaheed Benazirabad, the applicant has sought for the same from this Court by making the instant application u/s 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 seven months without active trial, therefore, the applicant is entitled to his release on bail on point of further inquiry. In support of his contention, he relied upon cases of **Muhammad Saeed Khan & others v. the State (2016 PCr.L.J 730)** and **Bilal V. the State (2016 MLD 1054)**.

4. Learned APG for the State 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 challenged and the applicant is in custody since seven months without effective trial. In these circumstances, it is rightly being contended by learned counsel for the applicant that the applicant is entitled to his release on bail as his case is calling for further enquiry.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.50,000/= and PR bond in the like amount to the satisfaction of learned trial Court.

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

J U D G E