

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**  
Criminal Bail Application No.S-1131 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA-8379/2020
2. For orders on office objection.
3. For orders on MA-8380/2020
4. For hearing of main case.

**09.12.2020.**

Mr. Zahid Mallah, Advocate for applicant.  
Mr. Shahid Ahmed Shaikh, D.P.G for State.

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**ORDER**

**Irshad Ali Shah J:-** It is alleged that on arrest from the applicant was secured 2400 grams of charas by police party of P.S Baldia Hyderabad led by ASI Ghulam Rasool Khokhar, for that he was booked in the present case.

2. The applicant on having been refused post arrest bail by learned Model Criminal Trial Court-II/IVth Additional Sessions Judge, Hyderabad has sought for the same from this court by way of instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police on account of filing of an application u/s 491 Cr.P.C by his brother Nazeer; there is no independent witness to the incident and case property has been subjected to chemical examination with delay of about five days. By contending so, he sought for release of the applicant on bail on the point of further inquiry.

4. Learned A.P.G for the State has opposed to release of the applicant on bail by contending that the offence which the applicant has allegedly 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 Narcotic substance which is alleged to have been secured from the applicant has been subjected to chemical examination with delay of about five days, such delay could not overruled. Prior to registration of FIR of present case an application u/s 491 Cr.P.C for release of the applicant from wrongful custody of the police was filed by his brother Nazeer, such filing tentatively suggest that the applicant was in custody of the police before his involvement in the present case. The investigation of the case is over and the applicant is in custody for more than four months without effective progress in trial. In these circumstances, a case for release of the applicant on bail on point of further inquiry obviously is made out.

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 application is disposed of accordingly.

**JUDGE**

*Ahmed/Pa,*