

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr.B.A.No.S- 1113 of 2020

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of main case.

**11.12.2020.**

Mr. Shabeer Hussain Memon advocate for applicant.  
Ms. Sobia Bhatti, A.P.G for the State.

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**Irshad Ali Shah J;**- it is alleged that the applicant was found transporting 18000 kg of betel nuts to be used for preparzation of Gutka / Mainpuri, for that he was booked and reported upon by the police.

2. The applicant on having been refused post arrest bail by learned 3<sup>rd</sup> Additional Sessions Judge, Dadu 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; there is no independent witness to the incident; the property has been subjected to chemical examination with delay of about two days; the offence alleged the applicant is not falling within the prohibitory clause of section 497(2) Cr.P.C and he is in custody for more than two months without effective progress in trial. By contending so, he sought for release of the applicant on bail on point of further enquiry.

4. Learned A.P.G. for the State has objected to release of applicant on bail by contending that the offence alleged against the applicant 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 despite advance information which appears to be significant. Only one k.g of the alleged betel nut has been subjected to chemical examination. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicant. The applicant is said to be in custody since more than two months. In these circumstances a case for release of the applicant on bail on point of further enquiry obviously is made out.
7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.50,000/-(rupees thirty thousand) and PR bond in the like amount, to the satisfaction of the learned trial Court.
8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,