

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.  
Cr.B.A.No.S- 1220 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.

**23.02.2021.**

Mr. Rao Faisal Ali, advocate for applicant.  
Ms. Safa Hisbani, A.P.G for the State.

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**Irshad Ali Shah J;**- It is alleged that the applicant was found transporting 40 sacks of JNDs/Ghutkas containing 2,11,750 sachets of Ghutkas, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Sessions Judge, Umerkot 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 considerable delay; the offence alleged the applicant is not falling within the prohibitory clause of section 497(2) Cr.P.C; co-accused Jesaram alias Jesoo has already been admitted to bail by learned trial Court and the applicant is in custody since four 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. Only five sachets have been subjected to chemical examination that too with considerable delay. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. Co-accused Jesaram alias Jesoo has already been admitted to bail by learned trial Court. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants. The applicant is said to be in custody since four 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 applicants are admitted to bail subject to their furnishing solvent surety in the sum Rs.50,000/- 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,