

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 288 of 2018

For Hearing of Main Case.

04-06-2018

Mr. Mir Ali Nawaz Jagirani Advocate for applicant.
Mr. Ubedullah Malano, Special Prosecutor, ANF.

ORDER

Through instant bail application, applicant Raz Muhammad seeks post arrest bail in Crime No. 05 of 2018 of P.S, ANF, Sukkur under sections 9(c) of C.N.S. Act, 1997.

2. Concise facts of prosecution case are that on 20.03.2018 at 1700 hours, present applicant was apprehended by ANF police party headed by Sub-Inspector Attaullah near Mashallah Baloch Hotel, City bypass Chowk Sukkur and from his possession recovery of 2-KGs Charas was effected in presence of ANF police Mashirs. Property and accused were brought at Police Station. FIR was registered against the applicant. After usual investigation, he was sent up for trial.

3. Learned counsel for the applicant, inter alia, contends that no independent person has been cited as witness; applicant has no previous criminal record; investigation is completed; all the prosecution witnesses are ANF officials hence there is no question of tampering with the prosecution evidence. He lastly contended that applicant is behind the bar since his arrest. In support of his contentions, learned counsel relied upon cases of **Jamal-ud-Din v. The State (2012 SCMR 573)**, **Asghar Ali v. the State (2018 MLD 129)**, **Ghulam Abbas v. The State (2011 YLR 1723)** and **Saleem v. The State (2014 MLD 777)**.

4. Learned Special Prosecutor ANF opposed this application.

5. After careful consideration of contentions of learned counsel for the parties and meticulous examination of available record, alleged contraband narcotics is 2-KGs Charas. No private witnesses have been associated in spite of advance spy information received at the ANF police station hence the complainant party least could have made an attempt to associate private mashirs from way or pointed place. Applicant has been in continuous custody since his arrest and is no more required for any purpose of investigation nor the prosecution has claimed any exceptional circumstance which could justify keeping the applicant behind the bars for an indefinite period. Moreover, prosecution has not claimed that the applicant is previously involved in same nature of the cases. All the prosecution witnesses are police officials hence there is no question of tampering with the evidence. No useful purpose is likely to be served with further detention of applicant pending determination of his guilt.

6. Keeping in view the above given circumstances, prima facie, applicant has succeeded to bring his case within the purview of subsection (2) of section 497, Cr.P.C., for this reason, he is admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand) and P.R bond in the like amount to the satisfaction of trial Court.

JUDGE