

ORDER SHEET
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1219 of 2020

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

12.03.2021.

Mr. Rao Faisal Ali, Advocate for the applicant.

Ms. Sana Memon, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprit was found transporting huge quantity of Gutka and Main puri an injurious / poisonous substance intending to spread infection / disease likely to be dangerous / poisonous to human lives, 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 and the property has been subjected to chemical examination with considerable delay and co-accused Jessa Ram has already been admitted to bail by this Court. By

contending so, he sought for release of the applicant on bail on point of further enquiry and consistency.

4. Learned A.P.G. for the State was fair enough to say that co-accused Jessa Ram has already been admitted to bail by this Court.

5. I have considered the above arguments and perused the record.

6. There is no independent witness to the incident despite advance information of the incident with the police, which appears to be significant. Only six packets of the alleged substance have been subjected to chemical examination that too with considerable delay. The offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C. Co-accused Jessa Ram has already been admitted to bail by this Court. The case has finally been challaned and there is no apprehension of tempering with the evidence on part of the applicant. In these circumstances a case for release of the applicant on bail on point of further enquiry and consistency obviously is made out.

7. In view of above, the applicant is admitted to bail subject to their furnishing solvent surety in the sum Rs.100,000/- 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.