

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

Criminal Bail Application No.S-498 of 2021

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

09.07.2021.

Mian Taj Muhammad Keerio, 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 was found in possession of huge quantity of 12 cartoons, each one containing 50 packets of 'Ratna Gutka' and 25 packets containing Z.21 Gutkaa which is said to be substance injurious / poisonous to human lives, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 1st Additional Sessions Judge/Model Criminal Trial Court, Shaheed Benazir Abad, 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 delay of about 04 days.

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 recorded no objection to release of the applicant on bail.

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

6. The complainant admittedly was having advanced information of the incident yet he has failed to associate with him the independent person to witness the possible arrest of the applicant and recovery of contraband substance from him which appears to be surprising. The entire property has not been subjected to chemical examination for no obvious reason. 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 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 his 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

Muhammad Danish Steno*