

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

Criminal Appeal No.D-22 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
	1. For orders on office objections.
	2. For hearing of M.A. No.1198/2021.
	3. For hearing of case.

29.07.2021.

Mrs. Razia Ali Zaman Patoli, advocate for appellant.

Mr. Shahzado Saleem Nahiyoon, Addl. P.G Sindh.

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The applicant for being in possession of 1170 grams of Chars for an offence punishable under section 9 (C) CNS Act, 1997 has been convicted and sentenced to undergo Rigorous Imprisonment for four years and six months with fine of Rs.20,000/- and in default whereof to undergo Simple Imprisonment for five months by learned Sessions/Special Judge (CNS)/MCTC, Tando Muhammad Khan by his judgment dated 27.01.2021, which is impugned by the applicant before this Court by preferring an appeal and in the meanwhile he has sought for suspension of the operation of the impugned judgment and his release on bail pending disposal of his appeal by way of listed application under section 426 Cr.P.C.

It is contended by learned counsel for the applicant that the sentence awarded to the applicant is short one and disposal of his appeal is likely to take time, therefore, he is entitled to be released on bail by suspending the operation of the impugned judgment.

Learned Additional Prosecutor General has recorded no objection to release of the applicant on bail.

We have considered the above arguments and perused the record.

The applicant at trial was enjoying the concession of bail; the sentence awarded to him is short one and his appeal is likely to take time because of heavy pendency. In these circumstances, a case for release of the applicant on bail pending disposal of his appeal is made out.

In view of above, while relying upon case of *Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589)*, the operation of impugned judgment is suspended, consequently the applicant is ordered to be released on bail subject to his furnishing surety in sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.

The listed application is disposed of accordingly.

Judge
Judge

*Muhammad Danish Steno**