

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

Criminal Bail Application No.S-550 of 2022

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

23.05.2022

Mr. Chetan S. Kella, Advocate for the applicant.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh for State.

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IRSHAD ALI SHAH J:- It is alleged that the applicant with one culprit was found in possession/transporting through their vehicle huge quantity of *Gutka* and *Mainpuri* a 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 2nd Additional Sessions Judge, Badin 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 and offence alleged against the applicant is not falling within prohibitory clause, therefore, he is entitled to be released on bail on point of further enquiry. In support of his contentions, he relied upon the cases of *Muhammad Eidan Vs. The State [2022 P Cr. L J 143]* and *Arshad Mehmood and 2 others Vs. The State [2020 P Cr. L J Note 107]*.

4. Learned A.P.G. for the State has opposed to release of applicant on bail by contending that the offence which the applicant allegedly has committed is affecting the society at large.

5. Heard arguments and perused the record.

6. There is no independent witness to the incident. Entire property has not been subjected to chemical examination. The offence alleged against the applicant is not falling within prohibitory clause. The case has finally been challaned. There is no apprehension of tampering with the evidence on the part of applicant. 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 applicant is admitted to bail subject to furnishing 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*