

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

Criminal Bail Application No.S-521 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	For hearing of main case.

23.05.2022

Mr. Abdul Rasool Abbasi, Advocate for applicant.  
Ms. Safa Hisbani, Assistant Prosecutor General Sindh.

==

**Irshad Ali Shah J:-** It is alleged that on arrest from the applicant was secured 03 kgs of the Charas in shape of three packets, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-I/Special Judge (N)/MCTC Dadu 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 50 grams of Charas has been drawn from a single packet for purpose of chemical examination, therefore, the applicant is entitled to his release on bail on point of further inquiry. In support of his contentions, he relied upon the case of *Muhammad Hashim Vs. The State* [PLD 2004 SC 856].

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

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

6. The applicant is named in the F.I.R with specific allegation that on arrest from him has been secured three Kgs of the charas. In that situation, it would be

premature to say that the applicant being innocent has been involved in this case falsely by the police. The police party indeed was having no enmity to have involved the applicant in this case falsely by making foistation of huge quantity of charas upon him. No doubt there is no independent witness to the incident but for this reason the police officials could not be disbelieved at this stage, they are appearing to be natural witnesses to the incident. As per report three pieces of chars weighing to be 50 grams were sent to chemical examiner, which prima facie suggest that from each packet of the charas was drawn the sample for purpose of chemical examination. The offence alleged against the applicant is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. The case law which relied upon by learned counsel for the applicant is on distinguishable facts and circumstances. In that case the sample was drawn from single rod of the chars. In the instant case the sample apparently is drawn from all the three packets.

8. In view of above, it is concluded safely that no case for grant of bail to the applicant is made out; consequently the instant bail application is dismissed with direction to learned Trial Court to expedite the disposal of the very case preferably within three months.

JUDGE