

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

Criminal Bail Application No.S-526 of 2022
Criminal Bail Application No.S-527 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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27.05.2022

Mr. Muhammad Nawaz Panjotha, Advocate for applicants.
Ms. Sana Memon, Assistant Prosecutor General Sindh.

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Irshad Ali Shah J:- The applicants were found travelling in a car, on search from applicant Ashraf Ali was secured 6020 Kgs of Chars and from applicant Mst. Noor Jahan were secured 1670 grams of heroin powder and 330 grams of ICE by police party of P.S. Baldia led by SIP Mujahid Hussain, for that they were booked separately.

2. The applicants on having been refused post arrest bail by learned Incharge Sessions/Special Judge(CNS), Hyderabad have sought for the same from this Court by way of filing two separate applications u/s 497 Cr.PC.

3. It is contended by the learned counsel for the applicants that applicant Ashraf Ali was taken from his house and then was involved in this case falsely together with co-accused Mst. Noor Jahan by S.H.O P.S Badlia, who is disputing purchase of plot by applicant Ashraf Ali and there is no independent witness to the incident. By contending so, he sought for release of the applicants on bail on the point of further enquiry.

4. Learned Assistant Prosecutor General has opposed to release of the applicants on bail by contending that offence with which the applicants is charged is affecting the society at large and the agreement to sale of plot and video clip have been managed by the applicants otherwise those are not forming part of the record.

5. Heard arguments and perused the record.

6. The applicants are named in F.I.R with specific allegation that they were found travelling through a car and on search from them was secured the stated

contraband substance individually. In that situation, it would be pre-mature to say that the applicants being innocent have been involved in this case falsely by the police by making foistation of huge quantity of the narcotics substance upon them. Of course, there is no independent witness to the incident but for this reason the police officials could not be disbelieved at this stage. The deeper appreciation of the facts and circumstances is not permissible at bail stage, therefore, no much reliance could be placed upon agreement of sale and video clip which even otherwise is not forming part of record. The offence which the applicants allegedly have committed obviously is affecting the society at large. There appear reasonable grounds to believe that the applicants are guilty of the offence with which, they are charged.

7. In view of the facts and reasons discussed above, it could be concluded safely that no case for grant of bail to the applicants is made out. Consequently, instant bail applications are dismissed with direction to learned Trial Court to expedite the disposal of the case preferably within three months after receipt of copy of this order.

8. Needless to say the observations recorded above are tentative in nature may not effect the case of either of the party at trial.

JUDGE

Muhammad Danish*