

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 1225 of 2022

(Syed Fasihullah vs. The State)

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of bail application

14.07.2022

Mr. Liaquat Ali Khan advocate for the applicant

Mr. Habib Ahmed Special Prosecutor ANF

IRSHAD ALI SHAH, J. It is the case of the prosecution that accused Muhammad Abdul Rahim and Abdullah Siddique carrying with them 9 K.G Charas in bag, when were delivering the same to the applicant were apprehended by the police party and were booked and reported upon accordingly.

The applicant on having been refused bail by Incharge Judge, Special Court No.1 CNS, Karachi has sought for the same from this Court by way of instant application under section 497 Cr.P.C.

It is contended by learned counsel for the applicant that applicant being innocent has been involved in this case falsely by the police by taking him from his house otherwise he has nothing to do with the alleged recovery and there is no independent witness to the incident, therefore, he is entitled to be released on bail on point of further inquiry.

Learned Special Prosecutor ANF has opposed to release of the applicant to bail by contending that he has committed the offence which is effecting the society at large.

Heard arguments and perused the record.

The applicant is named in FIR with specific allegation that he was apprehended by the police at the time when he was found acknowledging the delivery of bag containing 9 KG of Charas to him by co-accused Muhammad Abdul Rahim and Abdullah Siddique. In that situation, it could be premature to say that the applicant being innocent has been involved in this case by the police after taking him from his house. It is a rare phenomenon to foist such a huge quantity of narcotics substance on an innocent person. No doubt there is no independent witness to the incident but for this reason the official witnesses could not be disbelieved by this Court at this stage. It is case of vicarious and conjoint liability. The offence alleged against applicant obviously is effecting the society at large. Deeper appreciation of the facts and circumstances even otherwise is not permissible at bail stage. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. 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 dispose of the very case within three months after receipt of copy of this order.

Needless to say that the observations recorded above are tentative in nature and same may not influence the case of either party at trial.

JUDGE