

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

CrI. Bail Application No.S – 625 of 2019

Date	Order with signature of Judge
Applicant:	Asif Ali son of Ghulam Qadir Veghio, Resident of village Dilawal Beghio, Taluka Mehrabpur, District Naushahro Feroze (Now confined in Sub-Jail Kandiaro).
The State:	Through Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.
Date of hearing.	30-03-2020
Date of decision.	30-03-2020

ORDER

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AMJAD Ali SAHITO, J.- Through the instant application, the applicant/accused Asif Ali Veghio seeks post-arrest bail in Crime No. 74/2019, offence under Section 337-J, 269 and 270 PPC registered at police station Lakha Road, District Naushahro Feroze. Prior to this applicant/accused filed post-arrest bail application before learned 1st Additional Sessions Judge, Naushahro Feroze, which was dismissed vide order dated 05.11.2019, hence this post-arrest bail application.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. None present for the applicant. No intimation is received. Perusal of bail application reveals that learned counsel for the applicant/accused has taken grounds that applicant/accused is innocent and has falsely been implicated in this case; that all the sections inserted in the F.I.R. are bailable except Section 337-J P.P.C, which is yet to be determined at the time of trial as to whether the recovered property is injurious to life or not; that applicant/accused is in custody since the date of his arrest and

the case has been challaned and no fruitful result would be achieved to keep the applicant/accused in jail for indefinite period and lastly he has prayed for grant of bail to the applicant/accused.

4. On the other hand learned DPG for the State has argued that the applicant/accused is nominated in the F.I.R and *Gutka Supari* has been recovered from his possession, which is injurious to life, therefore he supported the impugned order and prayed for dismissal of instant bail application.

5. Heard learned counsel for the parties and perused the record. It is an admitted position that all Sections inserted in the F.I.R. are bailable except section 337-J P.P.C, which is yet to be determined at the time of trial as to whether the applicant/accused was possessing and selling the alleged intoxicant *Gutka Supari*, which is injurious to the human life. Moreover, the police has not seen any person while purchasing such intoxicant *Gutka Supari* from the present applicant/accused. In these circumstances, the case against applicant/accused calls for further enquiry in terms of sub-section (2) of Section 497 (2) CrPC.

6. In view of above, the applicant/accused is entitled for grant of bail. Accordingly the instant bail application is allowed and the applicant/accused is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.30,000/- (Thirty thousand) and PR bond in the like amount to the satisfaction of learned trial Court.

7. Needless to mention that the observations made herein above are tentative in nature and would not prejudice the case of either party at trial.

Judge

