

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 1671 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of bail application.

1st December 2022

Mr. Aasan Das Lavha, advocate for the applicant
Ms. Rahat Ehsan, Addl. P.G. Sindh

ORDER

It is alleged that on 19.05.2022 at 0300 hours, a police party of P.S Gulistan-e-Jauhar headed by ASI Karim Bux during patrolling arrested the applicant and allegedly recovered charas weighing 1310 grams from his possession. Initially the applicant approached learned trial Court for post arrest bail but the same was declined vide order dated 20.07.2022.

2. Learned counsel for the applicant that the applicant has been falsely implicated in this case falsely by the police; that nothing was recovered from the possession of the applicant and the charas has been foisted upon him; that though the place of incident is situated near Safar coach Ada, but no independent person was associated to witness the recovery and arrest; that the case of the applicant falls within the border line which requires further inquiry hence, he is entitled to be released on post-arrest bail.

3. On the other hand, learned Addl. P.G. Sindh, opposed the bail application while submitting that 1310 grams Charas is alleged to have been recovered from his possession therefore, applicant is not entitled for his release on bail and the offence with which he is charged is affecting the society at large.

4. Heard arguments and perused the record.

5. Admittedly, the place of incident is public thoroughfare, as it is a transport Ada, where transporters used to remain available but no independent person was associated to witness the recovery and arrest. The quantity of alleged recovered charas is 1310 grams, which is a borderline case and is marginally in excess of the quantity; in such like cases, Hon'ble Supreme granted bail, in this respect reliance is placed on Aya Khan and another vs. The State (2020 SCMR 350). In the case of Saeed Ahmed v. The state and

others (PLJ 2018 SC 812), the Hon'ble Supreme Court granted bail where 1350 grams substance recovered which marginally exceeds 1 K.G. It is by well settled that an accused cannot be kept in jail for an indefinite period. The liberty of an individual is guaranteed by the Constitution and to have a speedy trial is an inalienable right of every accused person. The applicant has no previous record of like nature offence and this fact has not been controverted by the learned State Counsel as well.

6. In these circumstances, the applicant has made out a case for grant of bail, consequently, applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and P.R bond in the like amount to the satisfaction of the learned Trial Court.

7. Needless to mention that observations made hereinabove are tentative in nature and shall not be influence trial of this case in any manner.

JUDGE

Sajid