

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S- 1370 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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02.01.2023.

Mr. Hadi Bux Zardari, Advocate holds brief for Mr. Aghis-u-Salam, Advocate for applicant.

Ms. Rameshan Oad, A.P.G for State.

ORDER

Muhammad Saleem Jessar, J.- Applicant is present on interim pre-arrest bail; however, his counsel as intimated by Mr. Hadi Bux Zardari, Advocate is not feeling well; however, submits that allegation against the applicant is that he allegedly thrown away the black shopper containing six wine bottles and then made his escape good. The counsel holding brief further submits that applicant is aged about 60 years therefore, he is not capable to run away speedily though alleged. He therefore, submits that considering the above fact the applicant may be granted bail.

Learned A.P.G opposed the bail application on the ground that per C.R.O 11 cases of like nature have been registered against the applicant therefore, he is not entitled for grant of bail. She; however, could not controvert the fact that applicant is a person of advance age of 60 years and the allegation against him is that he allegedly thrown away black shopper containing six wine bottles.

Heard. Record perused.

Admittedly, alleged wine bottles were not recovered from the exclusive possession of applicant and he alleged thrown away the same

is yet to be established by trial Court after recording the evidence of prosecution witnesses. Case has been challaned and the applicant after furnishing surety before this Court has been appearing before the trial Court without causing any negligence. The offence with which the applicant stands charged, if proved by the prosecution, does not exceed the limits of prohibitory clause of Section 497 Cr.P.C. Accordingly and in view of above peculiar circumstances of the case, instant bail application is hereby allowed and the interim pre-arrest bail already granted to applicant on 19.12.2022 is hereby confirmed on same terms and conditions. However, applicant is directed to continue his appearance before the trial Court, without fail.

JUDGE

Tufail