

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-156 of 2023 [Ali Gul versus The State]

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant :	Through Mr. Mir Murtaza Abro advocate
The State :	Through Mr. Siraj Ahmed Bijarani Assistant P.G Sindh
Date of hearing:	06.03.2023
Date of decision:	06.03.2023

KAUSAR SULTANA HUSSAIN, J: Through captioned bail application, applicant Ali Gul seeks post-arrest bail in Crime No.38 of 2022 registered at P.S Dhoronaro District Umerkot for offences punishable u/s under sections 04, 05 and 08 of Sindh Prohibition of Preparation, Manufacturing, Storage, Sale & Use of Gutka and Mainpuri Act, 2019. Same plea was raised by him before learned trial Court, however, it was turned down vide Order dated 07.02.2023.

2. The allegation against applicant/accused, per FIR is that on 14.12.2022 he was arrested by the police party headed by Complainant/SIP Arbab Ali near 3rd Mile Mori situated in Deh Sahibtar Umerkot and from his possession they recovered two sacks, containing 160 and 40 packets respectively of Gujta, as such aforesaid FIR was registered against him.

3. It is, inter alia, contended by learned Counsel for the applicant that the applicant is innocent and has been falsely implicated in this case by the police; that the prosecution story is false, fabricated, and highly unbelievable; that though police had advance spy information, yet no private witness has been associated and that the applicant has been booked in present crime due to enmity with constable Akram Ali, who is posted at same police station. By contending so, he prayed that applicant may be admitted to post arrest bail.

4. Learned Assistant Prosecutor General Sindh opposed the grant of bail to the applicant on the ground that applicant has been arrested at the spot with huge quantity of hazardous material.

5. I have considered submissions of parties and perused the material available on record. Perusal of record shows that applicant was arrested at the spot with huge quantity of hazardous material. The contention of learned counsel for the applicant that no private person has been associated as witness carries no weight, as there is

consistent opinion of the apex Court that police officials are competent witnesses and their statements cannot be discarded merely for the reason that they belong to police Department. Reference in this regard is made to **2001 SCMR 36 and 2010 SCMR 1962**. As far as contention of applicant's counsel that applicant has been booked in present crime due to enmity with influential persons is concerned, learned counsel has failed to establish said argument by producing any proof, further same requires deeper appreciation at trial, as at bail stage only tentative assessment is to be made.

6. Moreover, this is a heinous offence, which is considered offence against society. Further huge quantity of hazardous material, shown recovered from the possession of applicant and the offence alleged falls within the ambit of prohibitory clause of Section 497 Cr.P.C and also learned counsel for the applicant has failed to argue any ground, which may bring the case of applicant within the ambit of further inquiry. Accordingly, instant bail application merit no consideration, hence same is dismissed. However, the Trial Court is directed to expedite the trial and conclude it preferably within two months after receipt of this Order.

7. Needless to mention here that the observations made hereinabove are tentative in nature and the Trial Court shall not be influenced by this order in any manner whatsoever during trial.

JUDGE

Sajjad Ali Jessar