

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Crl. Bail Application No.S-850 of 2023.

(Ghulam Hussain @ Sudheer Khan Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 7232/2023 (Ex./ A)
3. For hearing of bail application.

O R D E R

15-01-2024.

Mr. Manzoor Hussain Larik, advocate for the applicant.

Mr. Shafi Muhammad Mahar, DPG for the State.

1. Over ruled.
 2. Granted.
 3. It is alleged that on arrest from the applicant has been secured 1480 grams of charas by the police party of P.S Ranipur, for that he was booked and reported upon by the police. On refusal of bail by the learned Ist Additional Sessions Judge (MCTC/CNS) Khairpur, the applicant has sought for the same from this Court by way of instant application u/s 497 Cr.P.C.
2. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police due to political influence; the charas has been sent to Chemical Examiner with delay of about 05 days and the case has finally been challaned; therefore the applicant is entitled to be admitted to bail as his case is calling for further inquiry, which is opposed by learned DPG for the State by contending that the offence alleged against the applicant is affecting the society. In support of his contention he relied upon case of *Gul Din Vs. The State* (2023 SCMR 306).

Heard arguments and perused the record.

As per FIR, on arrest of the applicant has been secured 1480 grams of Charas by police party of PS Ranipur, which was led by ASI Ramz Ali. In that situation it would be premature to say that the applicant being innocent has been involved in this case falsely by the police by foisting upon him such recovery. No doubt there is no independent witness to the incident but for this reason, the complainant and his witnesses could not be disbelieved at this stage. No doubt charas has been sent to Chemical Examiner with delay of about 05 days but such delay could not be resolved by this Court at this stage. The report of the chemical examiner is in positive. The minimum sentence prescribed by law for the alleged offence by way of Amendment now is nine years. The offence alleged against the applicant is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence, with which he is charged; thus, no case for his release on bail on point of further inquiry is made out.

Consequent upon above discussion, the instant bail application is dismissed, with direction to learned trial Court to expedite the disposal of very case against him preferably within two months, after receipt of copy of this order.

J U D G E