

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 824 of 2023

( *Imdadullah Phulpoto Vs. The State* )

---

1. For Orders on office objection.
2. For Orders on MA No. 7217/2023 (Ex./A).
3. For hearing of Bail Application

**22-01-2024.**

Mr. Nabi Bux Baloch, advocate for the applicant.  
Mr. Shafi Muhammad Mahar, DPG PG for the State.

>>>>>>...<<<<<<<<

**Irshad Ali Shah, J;-** It is alleged that on arrest from the applicant has been secured 4140 grams of charas by the police party of P.S Baberloi led by complainant ASI Imdad Ali Jagirani, 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&3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police party on account of his refusal to pay *Bhatta*; there is no independent witness to the incident; the FIR of the incident has been lodged by complainant and the case has finally been challaned; therefore, the applicant is entitled to be released on bail on point of 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 *Noor Khan Vs. The State (2021 SCMR 1212)*.

Heard arguments and perused the record.

On arrest of the applicant has been secured 4140 grams of Charas by police party of PS Baberloi. 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, in absence of any ill will or malafide. No doubt there is no independent witness to the incident but for this reason, the complainant and his witnesses could not be disbelieved 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 together with listed application, with direction to learned trial Court to expedite the disposal of the very case against the applicant preferably within two months, after receipt of copy of this order.

Judge