

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-44 of 2024

(Muhammad Mukhtiar and another Vs. The State)

For hearing of Bail Application

29-01-2024.

Mr. Shabbir Ali Bozdar, advocate for the applicants.

Mr. Shafi Muhammad Mahar, Additional P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicants were found transporting huge quantity of Gutka and Main Puri, a substance injurious to human lives, for that they were booked and reported upon by the police.

2. On having been refused post arrest bail by learned IInd Civil Judge & Judicial Magistrate Naushahro Feroze and learned IIIrd Additional Sessions Judge, Naushahro Feroze, the applicants have sought for the same from this Court by way of instant Bail Application u/s 497 Cr.P.C.

3. Heard arguments and perused the record.

4. There is no independent witness to the incident despite advance information. The property has been subjected to chemical examination with delay of five days with no plausible explanation to such delay. The offence alleged against the applicants is not falling within prohibitory clause of section 497 (2) Cr.P.C. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicants who are said to be in custody for more than four months. In these circumstances a case for release of the applicants on bail on point of further enquiry obviously is made out.

5. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in sum Rs.100,000/- each and PR bond in the like amount, to the satisfaction of the learned trial Court.

6. The instant bail application is disposed of accordingly.

JUDGE

Nasim/P.A.