

ORDER SHEET
 IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Bail Application No. S- 820 of 2023
 (Mukhtiar and another Vs. The State)

For hearing of Bail Application

29-01-2024.

Mr. Alam Sher Khan Bozdar advocate for the applicants.

Mr. Shafi Muhammad Mahar, DPG PG for the State.

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IRSHAD ALI SHAH,J:- It is alleged that the applicants were found transporting huge quantity of arms and ammunition, for that they were booked and reported upon by the police.

2. The applicants on having been refused post-arrest bail by learned Vth Additional Sessions Judge, Sukkur; have sought for the same from this Court by way of instant Crl. Bail Application under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police after snatching from them their money; the driver of the vehicle has managed to escape good in mysterious circumstances; there is no independent witness to the incident and offence is not falling within prohibitory clause u/s 497 Cr.P.C; therefore, the applicants are entitled to be release on bail on point of further inquiry; which is opposed by learned DPG for the State by contending that the applicants are neither innocent nor have been involved in this case falsely. In support of his contention, he relied upon case of *Hazrat Nabi Shah alias Hazrat Khan Vs. The State and another* (2020 SCMR 1672).

4. Heard arguments and perused the record.
5. The applicants are named in the FIR with specific allegation that they were found transporting huge quantity of unlicensed arms and ammunition, which were to be used to create law and order situation at Sukkur city. In that situation, it would be premature to say that the applicants being innocent have been involved in this case falsely by the police by snatching them from their money. Nothing has been brought on record by the applicants which may suggest that they actually were having money, which was snatched from them by the police. Apparently, the police was having no enmity to have involved the applicants in this case falsely by foisting such a huge quantity of unlicensed arms and ammunition upon them. The driver of the vehicle may have escaped from the place of incident, but his escape is not enough to enlarge the applicants on bail in case like the present one. No doubt the offence alleged against the applicants is not falling within prohibitory clause, but there could be made no denial to the fact that it is falling within exceptional class. There appear reasonable grounds to believe that the applicants are guilty of the offence with which they are charged and no case for their release on bail is made out.
6. Consequent upon the above discussion, the instant Bail Application is dismissed with direction to learned trial Court to dispose of very case against the applicants within three months after receipt of copy of this order.

Judge

Nasim/P.A