

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Bail Application No.S- 243 of 2022

Date of hearing	Order with signature of Judge.
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- 1.For orders on office objections
- 2.For hearing of Bail Application

11-08-2023

Mr. Nisar Ahmed Bhanbhro, Advocate along with applicant.
Mr. Muhammad Aziz Narejo, SPP, ANF.

ORDER

MUHAMMAD IQBAL KALHORO, I.- Anti-Narcotics Force, Sukkur on 25.03.2022, headed by Sub-Inspector Mudasar Ali Khan, on a tip off about cultivation of poppy crop by one Dili Jan on the land situated in Deh Mangi Mari, Taluka Sobhodero, in the company of Rangers and relevant Tapedar, raided the land and found poppy crop standing over 20-Ghuntas. No one, however, was present. Poppy crop was destroyed, however, 3-KGs from which was preserved for chemical analysis. During investigation, Tapedar who accompanied the complainant party made an enquiry and came to know that the ownership of land and its possession is with applicant Liaquat Ali. Hence, name of applicant was included in the case.

2. Learned counsel for applicant has submitted that name of applicant does not transpire in FIR; absolutely, there is no evidence against applicant that he is owner or was in possession of the land; evidence of Tapedar has been recorded, in which he has stated that he was informed by local people about ownership and possession of

applicant over the land, hence case against him is of further enquiry and he is entitled to concession of bail.

3. Learned SPP, ANF has opposed the bail.

4. I have considered submissions of parties and perused material available on record. No doubt, name of applicant does not transpire in FIR, but relevant Tapedar, after an enquiry came to know of possession and ownership of the land by applicant. No *mala fide* on the part of Anti-Narcotics Force or Tapedar is available on record to suggest false implication of applicant in a case of heinous nature. In the evidence, Tapedar has *prima facie* implicated applicant and has given a detail about applicant's possession and ownership of the subject land. Contentions raised in defense are based largely on some revelation in cross-examination of Tapedar, which cannot be appreciated at bail stage being deeper appreciation of evidence.

5. Relief of pre-arrest bail is extraordinary in nature which can only be extended to a person who apparently has been implicated in the case falsely either by the police or complainant. *Prima facie*, as discussed above, there is reasonable evidence against applicant connecting him in the alleged offence. Hence, he is not entitled to the relief of pre-arrest bail, which is **dismissed** accordingly.

6. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE