

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 845 of 2024
(Akhtar Hussain v. The State)

Date	Order with signature of Judges
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For hearing of bail application

16.05.2024

Mr. Hafeezullah Khan, advocate for the applicant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that on the arrest of the applicant was secured from him 1000 grams of ICE by a police party of PS Excise district West led by Inspector Fayaz Hussain Shah, for which the present case was registered.

The applicant having been refused post-arrest bail by the learned VIIIth - Additional Sessions Judge Karachi, West, has sought the same from this Court by way of instant bail application u/s 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the Excise Police by foisting upon him the contraband substance and there is no independent witness to the incident, therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Assistant P.G for the State by contending that the offence alleged against the applicant is affecting the society at large.

Heard arguments and perused the record.

The applicant is named in FIR with the specific allegation that on arrest from him has been secured 1000 grams of ICE with a positive report of the Chemical Examiner. In that situation, it would be premature

to say that the applicant being innocent has been involved in this case falsely by the Excise olice officials by foisting upon him such a contraband substance. Of course, there is no independent witness to the incident, but there could be no denial to the fact that the officials are as good witnesses as others until and unless some malafide is alleged against them, which is lacking in the present case; they even otherwise could not be disbelieved by this Court at this stage. The offence which the applicant is alleged to have committed 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 to the above discussion, the instant bail application is dismissed.

J U D G E