

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 811 of 2024
(*Aijaz Ali v. The State*)

Date	Order with signature of Judges
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For hearing of bail application

22.05.2024

Mr. Ghulam Akbar Jatoi, advocate for the applicant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that on the arrest of the applicant, from him has been secured 1510 grams of Charas by a police party of PS Gadap City Karachi led by SIP Hubdar Ali, for which the present case was registered.

The applicant on refusal of post-arrest bail by the learned IVth-Additional Sessions Judge, Special Court (CNS) Malir, Karachi, has sought the same from this Court by way of instant bail application under Section 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 on account of his failure to pay them Bhatta who otherwise being head of a union of chaff dealers has nothing to do with the alleged incident; there is no independent witness to the incident and more so more than 200 persons have attested an affidavit declaring the applicant innocent. By contending so, he sought release of the applicant 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 1510 grams of charas with a positive report from the Chemical Examiner. In that situation, it would be premature to say that the applicant is innocent and has been involved in this case falsely by the Police. Of course, there is no independent witness to the incident but for this reason, the police officials could not be disbelieved by this Court at this stage when no malafide is apparent with them to have involved the applicant in this case falsely. The persons who have attested an affidavit in favour of the applicant have nothing to do with the alleged incident. As per the amendment introduced in the CNS Law, the minimum sentence prescribed for the alleged offence is nine years. The offence which the applicant is alleged to have committed is affecting 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 with direction to the learned trial Court to dispose of the very case against the applicant within two months.

J U D G E