

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-49 of 2024

Applicant : Adil @ Badshah through Mr. Ghulamullah Chang,
Advocate.

Complainant : The State through Ms. Rameshan Oad, Asst. P.G Sindh

Date of hearing : **02.02.2024**

Date of Order : **02.02.2024**

O R D E R

AMJAD ALI SAHITO, J:- Through instant bail application, the above named applicant/accused seeks post arrest bail in Crime No.192 of 2023, for offence under sections 9-3/C of CNS (Sindh Amendment) Act, 2021, registered at P.S. A-Section Tando Allahyar, after his bail plea was declined by the learned Special Judge for CNS-I, Tando Allahyar, vide his order dated 25.11.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R, same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has contended that the applicant / accused is innocent and has falsely been implicated in this case; that only 2000 grams chars was recovered from applicant/accused and investigation of the case is completed, hence he is no more required for further enquiry. He also pleaded malafide on the part of police. Lastly, learned counsel prayed for grant of bail to the applicant.

4. On the other hand, learned Asst. P.G has vehemently opposed to the grant of bail to the applicant / accused on the ground that applicant / accused is habitual offender and previously involved in seven (07) other similar cases, as such, prayed for dismissal of bail.

5. I have heard the parties present in Court, and have gone through the available record.

6. Perusal of the record shows that during patrolling, Police arrested applicant / accused Adil alias Badshah at spot and recovered 2000 grams chars

from him. The recovered Chars was sent to the Office of Chemical Examiner for its analysis and such report received as positive. Further learned Assistant Prosecutor General, Sindh pointed out that seven (07) other cases of similar nature are pending against applicant/accused which seems to be that he is habitual offender. No enmity is alleged by the applicant against the police to falsely implicate him in this case.

7. At bail stage, only tentative assessment is to be made. In view of above discussion, there is sufficient material available on record to connect the applicant/accused in the commission of alleged offence and so also he has also failed to make out a good case for grant of bail. Consequently, the bail application is **dismissed**. At this juncture, learned counsel for the applicant submits that trial Court viz. Additional Sessions Judge, Tando Allahyar is vacant since last two (02) months, as such, Sessions Judge, Tando Allahyar is directed to transfer the case of the applicant from the Court of Additional Sessions Judge, Tando Allahyar and will proceed himself and decide the same preferably within a period of three (03) months.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

Hafiz Fahad