

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.
Crl. Bail Application No.S-143 of 2024
(Manzoor Hussain Kalhoro Vs. The State)

For hearing of bail application.

O R D E R
15-04-2024.

Mr. Abdul Sami Kalhoro, advocate for the applicant.
Mr. Shafi Muhammad Kalhoro, Deputy P.G for the State.

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It is alleged that on arrest from the applicant has been secured 2000 grams of charas by the police party of P.S Baberloi led by ASI Hussain Bux, for that he was booked and reported upon by the police. On refusal of bail by the learned Ist Additional Sessions Judge (MCTC/CNS) Khairpur, the applicant has sought for the same from this Court by way of instant application under section 497 Cr.P.C.

2. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police in order to satisfy its grudge with him on account of filing of an application u/s 22-A/B Cr.P.C; there is no independent witness to the incident and case property has been sent to Chemical Examiner with delay of about three days; therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Deputy P.G for the State by contending that the offence alleged against the applicant is affecting the society at large. In support of his contention he has relied upon cases of *Gul Din Vs. The State (2023 SCMR 306)*.

Heard arguments and perused the record.

The applicant is named in FIR with specific allegation that on arrest from him has been secured 2000 grams of charas by the police party of PS

Baberloi led by ASI Hussain Bux. In that situation it would be premature to say that he being innocent has been involved in this case falsely by the police by foisting upon him charas only to satisfy its grudge against him on account of filing an application u/s 22 A/B Cr.P.C. 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. The property has been dispatched to the chemical examiner within prescribed time and report of chemical examiner is in positive, which could hardly be doubted by this Court at this stage. The minimum sentence prescribed by law for the alleged offence by way of Amendment now is nine years. The offence alleged against the applicant 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 upon above discussion, the instant bail application is dismissed, with direction to learned trial Court to expedite the disposal of very case against him preferably within two months, after receipt of copy of this order.

Judge