

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 598 of 2024
(Uzair Khan v. The State)

Date	Order with signature of Judges
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For hearing of bail application

23.04.2024

Mr. Mukesh Kumar Khatri, advocate for the applicant
Mr. Abrar Ali Khichi, Addl. PG for the State

The facts in brief necessary for disposal of instant bail application are that on arrest from the applicant allegedly was secured 1200 grams of charas and he then led to recovery of 43 kilograms of charas in shape of 36 packets duly kept in car being hold by absconding accused Shamsuddin and Nazeer Ahmed, for that the present case was registered against him by Excise Police Korangi.

The applicant on having been refused bail by the learned Ist Additional Sessions Judge Karachi East has sought for 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 being innocent has been involved in this case falsely by the police by foisting upon him charas; there is no independent witness to the incident and the applicant is in custody for more than seven months, therefore, he is entitled to be released on bail on point of further inquiry. In support of his contentions, he relied upon case of *Muhammad Ismail v. the State* (2023 YLR 1221).

Learned Additional P.G for the State has opposed to release of the applicant on bail by contending that the offence alleged against him is affecting the society at large. In support of his contention he relied upon case of *Bilal Khan v. The State* (2021 SCMR 460).

Heard arguments and perused the record.

The applicant is named in FIR with specific allegation that on arrest from him has been secured 1200 grams of charas and he then led to

recovery of 43 kilograms of charas in shape of 36 packets duly kept in car being hold by the absconding accused. In that situation it would be premature to say that the applicant being innocent has been involved in this case falsely by the police by foisting upon him the charas. Of course there is no independent witness to the incident but there could be made no denial to the fact that the police officials are as good witnesses as others in absence of any malafide, which apparently is lacking in present case; they even otherwise could not be disbelieved by this Court at this stage. The minimum sentence prescribed by the law for the alleged offence by way of Amendment introduced recently is nine years. The applicant may be in custody for about seven years but it is not enough to conclude that it is the case of hardship which could have made the applicant entitled to be released on bail in case like the present one which 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.

The case law which is relied upon by learned Addl. PG for the State has got preference over the case law which is relied upon by learned counsel for the applicant, for the reason that same having been rendered by the Apex Court.

In view of above, the instant bail application is dismissed.

J U D G E