

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No.S-277 of 2021

**Zakir Hussain Gulwani**

V/S

**The State**

Applicant: Through Mr. Zafar Ali Malghani,  
Advocate.

State: Through Mr. Aitbar Ali Bullo, Deputy  
Prosecutor General.

Date of hearing: 16.07.2021

Date of Decision: 16.07.2021

**ORDER**

**ZAFAR AHMED RAJPUT, J.-** Having been rejected his earlier Criminal Bail Application No.19 of 2021 by the Special Judge (CNS) Jacobabad vide order dated 05.05.2021, the applicant Zakir Hussain son of Jhanwar Khan Gulwani Jakhrani, through instant Criminal Bail Application seeks post arrest bail in Crime No.15 of 2021 registered at Police Station Mouladad for the offence under section 9(c) of the CNS Act, 1997.

2. Briefly stated the prosecution case as narrated in the F.I.R. is that on 27.02.2021 at 1900 hours, the applicant was apprehended by SIP Ghulam Nabi Bijarani, the S.H.O, P.S. Mouladad on being found in possession of 2500 grams charras near Eidgah Chowk.

3. Heard learned counsel for the applicant as well as learned Deputy Prosecutor General and perused the material available on record with their able assistance. It appears that two days prior to lodgment of F.I.R. i.e. 25.02.2021, the parents of applicant-accused filed Constitution Petition No.D-109 of 2021 for the issuance of rule nisi for the production of fifteen detainees including the present applicant-accused before this Court through S.S.P. Jacobabad, alleging therein that two days back from the filing of the petition, the detainees named in the petition and other relatives were apprehended from Sehwan Sharif, where they had gone for paying homage to Hazrat Lal Shahbaz Qalandar, by the Jacobabad police



and then they were confined at some unknown place by the respondents police officials and thereafter the arrest of the present applicant was shown after two days in the aforementioned crime/F.I.R. It is also admitted position that case property had been sent to the chemical examiner with delay of about two months and for that no plausible explanation is available on record, which creates certain doubts in the prosecution case. It is well settled principle of law that the benefit of doubt at bail stage is also to be extended in favour of the applicant. Hence applicant *prima facie* appears to be entitled to the concession of bail. Accordingly, instant application is allowed, the applicant is admitted to bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousands only) and P.R. Bond in the like amount to the satisfaction of the Additional Registrar of this Court.

4. Needless to mention here that the observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court while deciding the case on merits and in case the applicant misuses the concession of bail in any manner whatsoever, the trial Court shall be at liberty to recall the bail order after serving him requisite notice.

5. Above are the reasons of my short order dated 16.07.2021.

  
26/07/2021  
JUDGE

Manzoor

