

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Applications No.D-08 & 09 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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27.04.2023

Agha Abdul Nabi, Special Prosecutor ANF, for applicants.
Mr. Muhammad Sachal R. Awan advocate for respondent(s).

MUHAMMAD IQBAL KALHORO, J.- On the basis of spy information respondents were arrested from in front of Shell Petrol Pump near Boulevard Mall near Fateh Chowk Hyderabad on 30.03.2022 and from respondent Roshan Ali 01 kg heroin (net weight 983 grams) and from respondent Nabi Bux 1500 grams of opium were recovered. The recovery was duly documented under police docket and the separate cases were registered against respondents. The trial court considering various grounds including non-association of private mashirs despite advance information and borderline case against respondent Roshan Ali plus lack of any criminal record against respondents granted them post arrest bail by means of impugned orders dated 14.04.2022 and 22.04.2022 respectively.

These applications have been filed for cancellation of bail. During arguments, it has been informed that charge has been framed and the trial is about to be commenced. There are only three witnesses cited by the prosecution. It is settled that for cancellation of bail granted by a competent court of law exceptional grounds suggesting that the accused is tampering with the prosecution evidence or is trying to jump off concession of bail etcare required. No such suggestion has been made in these applications for cancellation of bail of the respondents. We, therefore, find no merit in these applications and dismiss them accordingly. However, as the charge has been framed, we direct the trial court to proceed with the matter and examine the material witnesses within a period of three months positively and submit such report.

JUDGE

JUDGE