

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

Criminal Bail Application No.S-318 of 2020.

DATE	ORDER WITH SIGNATURE OF JUDGE
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18-05-2020

Mr. Jahangeer Khan Pathan, advocate for applicant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General.

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By means of this application, applicant Muhammad Arif alias Dancer is seeking post-arrest bail in Crime No.35 of 2020, under section 9-C of CNS Act, 1997, registered at P.S. Pinyari, District Hyderabad.

2. Applicant was arrested on 06.03.2020 at 2100 hours from near water pond pinyari canal, Khursheed Town Hyderabad on spy information and allegedly from his possession 2500 grams of Charas was recovered and consequently he was booked in the present case.

3. Learned defence counsel has argued that applicant is innocent and has falsely been implicated in this case; that no private person has been associated in recovery proceedings despite information about the applicant in advance; that there is delay in sending samples to the chemical analyzer; that father of the applicant had moved an application before his arrest which makes the case against him to be of further inquiry; that applicant has got enmity with police; that ASI was not competent to lodge this FIR. In support of his arguments he has relied upon case law reported as 2018 P.Cr.L.J 1307, 2017 P.Cr.L.J. 113, PLD 2009 Lahore 362, 2014 P.Cr.L.J. 482, 2017 P.Cr.L.J. Note 41, 2012 YLR 768 and 2010 MLD 1908.

4. Learned Additional Prosecutor General has rebutted the above arguments and opposed the grant of bail to applicant.

5. I have considered submissions of parties and perusal material available on record including the case law cited at bar. There is prima facie sufficient evidence showing the appellant connected with present case. From his possession 2500 grams of Charas was recovered which fact is supported by relevant papers and statements of witnesses. As regard to argument that no private person was associated, suffice it to say that against drug peddlers / traffickers usually the

citizens do not come forward to give evidence and more so in terms of section 25 of CNS Act, 1997 applicability of section 103 Cr.P.C. has been dispensed with. Merit of application moved by father of applicant to high officials of the police informing about arrest of applicant cannot be decided at bail stage as it requires deeper appreciation of evidence. The question regarding competency of ASI being complainant and seizure officer is also prima facie not attracted because applicant was arrested on spy information received during patrolling disclosing his presence at particular public place. In view of such facts and circumstances I do not find applicant to be entitled to bail. Consequently, this bail application is dismissed. However, learned trial Court is directed to expedite the trial and conclude the same within a period of three (03) months and submit such compliance report through learned Additional Registrar of this Court.

6. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE