

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

Criminal Bail Application No.S-508 of 2021.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

15.11.2021.

Mr. Ali Hassan Chandio advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General.
Applicant is present on interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Inspector Khush Bakht Awan SHO P.S. Talhi during patrolling and snap checking on 31.03.2021 at 0400 hours spotted a coupe car coming on Talhi-Jhudo road near a watercourse. It was stopped on his signal and he in the headlight of mobile vehicle identified applicant alongwith two other accused travelling in said car. The applicant and another accused namely Shah Wali Makrani however leaving the car sneaked into a nearby jungle. However, son of applicant namely Rizwan Ali was apprehended and from search of the car 133 kilograms of Charas wrapped in different packets was recovered. Formalities were completed, including preparation of memo and the case was registered accordingly.

Learned defence counsel submits that Charas was not recovered from exclusive possession of applicant. The prosecution story is doubtful and it does not appeal to common sense that at 0400 hours in the morning snap checking was being conducted. The applicant is innocent and police itself is involved in transporting narcotics. He has relied upon 2019 SCMR 1651 and 2017 SCMR 531 to support his arguments.

On the other hand, learned APG has opposed bail to the applicant.

I have considered submissions of parties and perused material available on record. Applicant was spotted by complainant while travelling in a car from which huge quantity of Charas weighing 133 KG was recovered. Although he alongwith co-accused had escaped from scene but his son was arrested. The distance between place of incident and police

station is four kilometers. That coupled with the time consumed in preparation of documents on spot, the FIR registered after 1 ½ hours of the incident at 0530 hours does not seem to be outcome of manipulation or maneuvering by the said SHO to implicate the applicant in the case. No ill-will or malafide on the part of police to implicate him otherwise is available on record. This is a case of recovery of huge quantity of narcotics and without any apparent reason considering that he has been falsely implicated would be a far-fetched idea cannot be subscribed to. Applicant has applied for pre-arrest bail which is only meant for accused who are innocent and their innocence is perceivable from the record. The case in hand however does not conform to any such situation.

In view of above discussion in my view the applicant is not entitled to concession of pre-arrest bail. Accordingly, this bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 23.06.2021 is hereby recalled.

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

JUDGE

Irfan Ali