

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-238 of 2025

Applicant: Rajesh Son of Shamoan Thakur through Mr. Zulqarnain Talpur,
Advocate.

Respondent: The State
Through Mr. Irfan Ali Talpur, D.P.G.

Date of hearing: 25.03.2025

Date of order: 25.03.2025

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.379 of 2024 registered under section(s) 9(1) 3(c) Control of Narcotic Substances Act, with P.S Tando Muhammad Khan. After the arrest applicant preferred his bail plea before the Court of Sessions Judge / Special Judge for C.N.S.A, Tando Muhammad Khan vide Special Bail Application in Special Case No.03 of 2025 (Re-Rajesh Vs. The State) and same was dismissed vide order dated 28.02.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as impugned order passed by the Sessions Judge / Special Judge for C.N.S.A, Tando Muhammad Khan, therefore, there is no need to reproduce the same.

3. It is contended by the counsel for the applicant that the applicant has been robbed another FIR No.03 of 2024 registered with PS Tando Muhammad Khan for offence under section 8 of the Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act 2019 and on the day of incident viz.19.12.2024, the mother of the applicant had moved application to the Presiding Officer of the concerned Court for the arrest of the applicant, therefore, prays for grant of bail.

4. On the other hand, learned DPG opposed the bail application and states that in more than four cases the applicant / accused is involved with drugs dealings activities and has criminal record with police.

5. I have heard the learned counsel for parties and perused the record.

6. I have seen the application moved by the mother of the applicant before the learned Civil Judge & Judicial Magistrate-III Tando Muhammad Khan intimating that his son (the present applicant) has been arrested by the police soon after he left the Court premises. Strangely FIR No.379 of 2024 was registered at 2030 hours on 19.12.2024 wherein time of incident shown as 1900 hours. It is clearly shows that prior to the FIR the mother of the applicant intimated to Civil Judge & Judicial Magistrate-III Tando Muhammad Khan regarding arrest which incorporated not only the offence but also the registration of false FIR. It is not case of the prosecution that applicant if released on bail will temper or destroy the evidence or are threat against the prosecution's witnesses. In view of the above, the learned counsel for the applicant made out a case for grant of bail, therefore, the bail application was **allowed**. These are the reasons of short order dated 25.03.2025.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

J U D G E

Muhammad Danish