

# IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Criminal Bail Application No.S-210 of 2025.**

Applicant: Hidayatullah son of Rehmatullah Brohi.  
Through Mr. Shabeer Hussain Memon, Advocate.

Respondent: The State  
Through Mr. Irfan Ali Talpur, A.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.41 of 2025 registered under sections 9(2) and 3 CNS Act 2024, with P.S Kotri District Jamshoro. After the arrest applicant preferred his bail plea before the Court of Additional Sessions Judge-II, Jamshoro at Kotri vide Criminal Bail Application No.140 of 2025 (Re-Hidayatullah Vs. The State) and same was dismissed vide order dated 21.02.2025; 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 learned trial Court, therefore, there is no need to reproduce the same.

3. It is inter-alia contended by the counsel for applicant that applicant/accused is innocent and has falsely been involved in the case of 60 grams ICE allegedly to be recovered from his possession; that despite of the fact the place of is very thickly populated area but no any independent person cited in this case to act as mashir by the police; that offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C; that challan has been submitted before the Trial Court, the applicant is no more required for investigation and there is no apprehension that the applicant is attempting to temper or destroy the prosecution's evidence.

4. On the other hand, learned APG opposed the bail application on the ground that applicant has been nominated in the FIR with specific role and he was arrested at spot along with narcotic.; that applicant/accused is a habitual and involved in more than [11];

such like FIRs, therefore, at this stage he is not entitled for concession of bail in his favour.

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

6. Admittedly, the interim challan has been submitted before the learned trial Court as well as investigation has been concluded and I.O is waiting for report from Chemical Analysis to place final challan with regard to case property in question. Furthermore, the punishment for offence with which the applicant is charged carries three years hence, does not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases the grant of bail is a rule and refusal is an exception. It is not case of the prosecution that applicant if he is released on bail he will temper or destroy the evidence nor prosecution has shown any apprehension to threat the prosecutions' witnesses. In view of the above tentative assessment, the learned counsel for the applicant has made out a case for grant of bail, therefore, the bail application is **allowed**. Consequently, the applicant is granted concession of post arrest bail subject to furnishing his solvent surety in sum of Rs.100,000/- and P.R bond in the like amount, to the satisfaction of Trial Court and 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**

Ahmed/Pa,