

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-270 of 2025.

Applicant: Javed son of Banhon Machi.
Through Mr. Khadim Hussain Laghari, 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.14 of 2025 registered under sections 9(1) and 3(b) CNS Act 2024, with P.S Nasarpur District Tando Allahyar. After the arrest applicant preferred his bail plea before the Court of 1st Additional Sessions Judge, Tando Allahyar vide Criminal Bail Application No.129 of 2025 (Re-Javed Vs. The State) and same was dismissed vide order dated 11.03.2025; 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 500 grams charas allegedly to be recovered from his possession; that despite of the fact police having advanced information and 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, 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 challan has been submitted before the learned trial Court as well as investigation has been concluded. Further, it is settled principal of law that while deciding bail plea the lesser punishment is to be considered and the punishment for offence with which the applicant is charged is less than five years which does not fall within the ambit of 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 shown any apprehension to that applicant threatens 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.50,000/- 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,