

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Cr. Bail Application No. 1886 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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For hearing of bail application.

**29<sup>th</sup> November, 2021**

Mr. Aamir Raza Dayo, Advocate for applicant.  
Mr. Talib Ali Memon, APG.

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**Omar Sial, J.**:Dadullah has sought post arrest bail in crime number 4 of 2020 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act 1997 at the Excise & Narcotics police station. Earlier, his application seeking bail was dismissed by the learned 4<sup>th</sup>Additional Sessions Judge, Karachi South on 27.9.2021.

2. Facts of the case are that the aforementioned F.I.R. was lodged by Syed Muhammad Sadeqain (an officer of the Excise department) on 15-11-2020. He recorded that acting on spy information received earlier that day, an excise police party led by him, stopped a suspicious vehicle which was being driven by the applicant. 14 kgs of charas was recovered from the vehicle.

3. I have heard the learned counsel for the applicant as well as the learned Assistant Prosecutor General. My observations and findings are as follows.

4. The learned counsel or the applicant has argued that section 103 Cr.P.C. was not complied with; the applicant does not have a crime record, he has been in custody for one year and that recovery was effected from a vehicle and not from the applicant. Learned APG has argued that a very large consignment of charas has been recovered from the applicant and that the said charas was found on the floor of the passenger seat. It was not hidden in any secret cavity thus the learned counsel's argument that the applicant did not know of the presence of the charas carries little weight.

5. The learned counsel has not denied the recovery of the charas from the vehicle being driven by the applicant. The applicant was the only person in the

car and the charas was lying next to him. Prima facie the requirement of conscious possession was satisfied. No reason at all has been given as to why would the police foist such a large quantity of charas on the applicant. Section 25 CNS Act, 1997 ousts the applicability of section 103 Cr.P.C. in cases falling within the ambit of that legislation.

6. Upon a tentative assessment it appears that the applicant was apprehended red handed with 14 kilograms of charas in his conscious possession. The chemical analysts report opines that the seized material was indeed charas. The offence with which the applicant is charged carries a potential capital sentence. No ground has been raised by the learned counsel which would merit an interference with the impugned order.

7. The bail application stands dismissed.

JUDGE