

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI.**  
**Crl. Bail Application No.444 of 2016**

For hearing of Bail Application

**01.06.2016**

Mr. Intikhab Ahmed, Advocate for the applicant  
 Ms. Seema Zaidi, A.P.G.  
 SIP, Mirza Safdar, P.S. PIB Colony, Karachi.

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**MUHAMMAD IQBAL KALHORO, J:-** Applicant is in jail as an accused in crime No.144 of 2014, registered on 12.09.2014, under Section 6/9-C CNS Act, 1997 at Police Station PIB Colony, and is seeking relief of bail through this application.

2. Applicant was arrested in the present crime on 12.09.2014 at 0530 hours by SIP Mirza Safdar from University Road, Near Edhi Centre, PIB Colony from his personal search 1025 grams charas and one 30 bore unlicensed pistol were recovered. As the applicant was nominated in crime No.76 of 2014, under Section 302, 109 and 34 PPC, registered at P.S. PIB Colony, his arrest was also shown in that crime. Pursuant to the recovery of above incriminating articles the present case as well as case under Section 23-1(a), Sindh Arms Act, 2013 was registered at the same Police Station. Applicant moved bail application before the trial Court, which was dismissed mainly on the ground that the applicant is habitual criminal, as he was involved in two more offences.

3. Learned A.P.G. has opposed grant of bail to the applicant, but has not been able to controvert the point that the applicant has granted bail in two criminal cases pending against them.

4. Learned counsel for the applicant has placed on record Photostat copies of orders in both the above stated crimes, whereby the applicant has been granted bail by the learned trial Court. It appears that only on the ground that applicant was involved in some other criminal cases; his bail was rejected by the trial Court. And as the learned counsel for the applicant has placed on record photocopies of bail orders showing that applicant has been granted bail in both the cases, the said impediment does not appear to come in the way of the applicant, who was shown to be in possession of 1025 grams of charas, the challan has been submitted, and applicant is no more required for further investigation.

Admittedly applicant is not a previous convict and there is also no record that he has been involved in the same kind of offences earlier. I find that applicant has been able to make out the case for grant of bail. Accordingly, applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one lac) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**JUDGE**

**Rafiq/P.A.**