

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.56 of 2025

Applicant : Muhammad Fayyaz @ Waqas S/o
Muhammad Irshad @ Muhammad Iqbal
through Mr. Jamroz Khan Afridi, Advocate

Respondent : The State
through Ms. Rahat Ahsan, Addl. P.G.
SIP Shakeel Ahmed

Date of hearing : 26.02.2025

Date of order : 26.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.912/2024 for the offence under Sections 6/9(1)-6(b) CNS (Amended) Act, 2022 of PS Malir City, after his bail plea has been declined by the learned Additional Sessions Judge-IV/Special Judge (CNS), Malir, Karachi vide order dated 21.12.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that only 115 grams heroin was recovered from the applicant; that the offence does not fall within prohibitory clause; that applicant is in jail for last two and half months. Lastly, he prays for post-arrest bail to the applicant.

4. On the other hand, learned Addl. P.G. opposes for bail on the ground that minimum punishment for the said offence provided by law is 7 years and maximum is 10 years, as such, the offence falls within the prohibitory clause.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that during patrolling, accused was arrested and only 115 grams heroin was recovered from him. The applicant is in jail for last two and half months. The punishment provided by law for the offence is minimum 7 years and maximum 10 years. The applicant is in jail for last three months. No progress has been made before the trial Court. Admittedly, the applicant was not convicted previously and no criminal record was found against him. Learned counsel for the applicant also pleaded that police has arrested him when he failed to fulfill the need of the police.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in view of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The applicant/accused named above is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- and P.R. bonds in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA