

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2270 of 2025**

Applicant : Kaleemullah
through Mr. Amanullah Khan Shar,
Advocate.

Respondent : The State
through Mr. Musharraf Azhar,
Special Prosecutor ANF.

Date of hearing : 03.11.2025

Date of Order : 06.11.2025

ORDER

Omar Sial, J: On 26.07.2024, acting on spy information, an ANF police party led by S.I. Madiha Kanwal stopped a vehicle identified as transporting narcotics. Kaleemullah was driving the car. In fact, he was the only occupant of the vehicle. Upon interrogation, he disclosed that charas was in the car's console box. 4.8 kilograms of charas were recovered from the console. F.I.R. No. 35 of 2024 was registered under sections 6,7, and 9(1)3(c) of the Control of Narcotic Substances Act, 1997.

2. The learned counsel has not denied that narcotics were recovered from the vehicle being driven by him; however, he has taken the plea that, as he was the driver of the car, he was not aware that narcotics were concealed in it. He also took the position that Haji Ameer Muhammad Khan, a co-accused in this case, was granted bail by the learned Special Court No. 2 (C.N.S.) at Karachi on 06.03.2025, and thus his client also deserves the same concession on grounds of consistency.

3. We have heard the applicant's learned counsel and the learned Special Prosecutor ANF.

4. Whether or not the applicant was in conscious possession of the narcotics recovered from the vehicle he was driving will have to be determined by the learned trial court after it has had an opportunity to review evidence placed before it. Upon a tentative assessment, the car was in the applicant's possession, and a substantial amount of charas was recovered from it. Charas has a distinctive smell, and we find it difficult to believe, at this preliminary stage, that the driver of the vehicle was unaware of its presence in the car. We also find it confusing how the applicant knew there were narcotics hidden in the vehicle's console if he had no idea of their presence.

5. We agree with the applicant's counsel that co-accused Haji Ameer was admitted to bail; however, with much respect, we disagree with him that this constitutes a ground of consistency. The difference between the two cases is that the applicant was prima facie caught red-handed with the narcotics. In contrast, Haji Ameer was the person whom the applicant identified as being his accomplice and master.

6. Upon a tentative assessment, the applicant was caught red-handed with a sizeable quantity of chars, which exposes him to a potential life sentence, thus falling within the prohibitory clause of section 497 Cr.P.C. No ill will or malafide has been argued, nor is any seen floating on the surface of the case.

7. Given the above, the applicant has failed to make out a ground for bail and thus the bail application is dismissed.

JUDGE

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