

IN THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Omar Sial
Mr. Justice Miran Muhammad Shah

CR. BAIL APPLICATION NO.1749 OF 2025

Applicant	:	Khair Alam s/o Jims Khan through Mr. Habib-ur-Rehman Advocate
Respondent	:	The State
Date of hearing	:	10.11.2025
Date of order	:	10.11.2025

ORDER

Omar Sial, J.: Acting on spy information, a team of the ANF, led by Inspector Arif Lodhi, on 11.03.2025, apprehended Khair Alam with 1.5 kgs of charas in his possession. F.I.R. No. 10 of 2025 was registered under sections 6, 9(1)(3)(c), 14, and 15 of the CNS Act, 1997 at the ANF's Gulshan-e-Iqbal police station.

2. The applicant's learned counsel has argued that the charas was foisted upon the applicant and that he suffers from several ailments. He also argued that the sentence for possessing 1.5 kilograms of charas fell within the non-prohibitory clause.

3. We have heard the applicant's learned counsel. None appeared for the ANF.

4. There was no reason for ANF to foist the charas on the applicant, and none has explicitly been pleaded. The applicant was apprehended red-handed with a substance, the chemical laboratory has opined to be charas, a substance the possession of which is prohibited under the CNS Act, 1997. The sentence to possess this quantity is nine to fourteen years. If the lower sentence is considered at this stage, the case of the applicant would fall out of the prohibitory clause of section 497 Cr.P.C.; however, the learned counsel has been unable to deny that the Supreme Court in the case of The State vs Gul Nawab (Criminal Petition No. 150-K/2024) has held that in bail applications in narcotic cases, it is the higher sentence that will be considered.

5. The applicant has been unable to make out a case for bail at this stage. The bail application is dismissed. The Superintendent of the Prison shall ensure that the requisite medical treatment is given to the applicant.

JUDGE

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