

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Misc. Application No.248 of 2024

Present:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz ul Hassan Shah

Applicant:- The State/Anti-Narcotic Force through
Mr. Habib Ahmed, Special Prosecutor ANF.

Respondent:- Abdul Qayoom through Ms. Palwasha, advocate
holding brief for Mr. Mallag Assa Dashti, advocate.

Date of hearing:- 04.02.2026

O R D E R

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MUHAMMAD IQBAL KALHORO J: Respondent, coming from Hub towards Karachi, was arrested from near Indus Chowk, Karachi by Anti-Narcotic Force on 07.07.2023 while travelling in a Toyota Corolla Car alone when from search of his vehicle 02 Kg heroin and 1.700 Kg Ice were recovered. Hence, he was booked in the present case. He then applied for bail which vide impugned order dated 07.12.2023 has been granted to him on the basis of a report by some private car service that the said car was being used as a taxi on rent.

2. We have heard the parties and seen the impugned order which does not reflect a mention of any facts or tentative appreciation thereof. Even there is nothing on record to show that the report which has been reproduced in urdu in the order was got verified. It has not been explained either by learned Judge that how the report by some private company which does not express any detail except that the car was being used as a taxi, the applicant was found entitled to relief of bail in the case of recovery of huge quantity of narcotics which falls within the prohibitory clause.

3. The offence of narcotics is understood to be against the society in which the dynamic approach in assessing the material tentatively though has to be applied by the Courts while granting bail to the

accused. The learned Judge has neither referred to the facts nor the grounds of bail and has granted bail to the accused on flimsy ground. The trial Court has materially erred in granting bail to accused. The impugned order is illegal and not sustainable in law. We therefore set aside the impugned order and remand the matter to the trial Court to decide the bail application of the applicant purely on merits in accordance with law.

The Cr. Misc. Application is accordingly disposed of in above terms.

JUDGE

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JUDGE