

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1727 of 2026

Applicant : Naimatullah S/o Sher Muhammad
through M/s. Saadi Sardar and Qazi
Inamullah, Advocate

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

Date of hearing : 10.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.27/2025 registered under Sections 6, 9(2)9, 9(1)6(f) 14, 15 of CNS Act, 1997 (Amended Act, 2022) of PS ANF Gulshan-e-Iqbal, Karachi, after his bail plea has been declined by the learned Judge, Special Court-I (CNS), Karachi vide order dated 21.05.2026.

2. The detailed facts of the case are already available in the bail application as well as FIR, therefore, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant mainly contended that the applicant is innocent and has been falsely implicated in the present case. He argued that although a huge quantity of contraband has allegedly been shown to have been recovered from the possession of the applicant but the entire prosecution story appears to be false, fabricated and based upon a managed recovery. He submitted that despite having prior spy information regarding the transportation of

narcotics, the prosecution failed to associate any independent person from the locality as a mashir to witness the recovery proceedings, which is in clear violation of the mandatory provisions of Section 103, Cr.P.C. He further contended that no plausible explanation has been furnished by the prosecution for non-association of private mashirs despite sufficient opportunity, thereby rendering the alleged recovery highly doubtful. Learned counsel also submitted that the applicant is merely a driver of the vehicle and has been implicated solely on the basis of his presence in the vehicle, however, no material is on record to establish his conscious and exclusive possession or knowledge of the alleged contraband kept in the truck. He further contended that the investigation has already been completed, the applicant has remained behind bars for more than eleven months, and is no longer required for any further investigation. On these premises, he prayed for the grant of post-arrest bail to the applicant. In support of his contention, he has relied upon the cases reported as (1) Muhammad Abid Hussain vs. The State and another (2025 SCMR 721), (2) Bait Ullah etc. vs. The State (Crl. Petitions No.852, 855 & 859 of 2026), (3) Khadim Hussain vs. The State (2026 SCMR 217), (4) Zahid Sarfaraz Gill vs. The State (2024 SCMR 934), (5) Haji Inayat and another vs. The State (2010 PCRLJ 825), (6) Bangal Khan and another vs. The State (2024 PCRLJ 1241), (7) Muhammad Tariq vs. The State (2018 PCRLJ 109), (8) Hafeez Murad vs. The State (2026 MLD 138), (9) Asmat Ullah vs. Government of Khyber Pakhtunkhwa (PLD 2020 Peshwar 35), (10) Ghulam Mustafa vs. Ali Nawaz and others (2020 MLD 1260 and Riaz and another vs. The State and another (2022 PCRLJ 1527).

4. Conversely, the learned Special Prosecutor, ANF, vehemently opposed the grant of bail and contended that the applicant/accused was apprehended at the spot. He submitted that a huge quantity of Methamphetamine (ICE) was recovered from the truck,

which had travelled from Quetta to Karachi. According to the prosecution, both the occupants of the vehicle were fully aware of the concealment of the narcotics in the secret cavity/cabin of the truck, and the contraband was recovered at their pointation. He further submitted that all prosecution witnesses shall remain present before the learned trial Court on the next date of hearing and requested that appropriate directions be issued for recording their evidence, as they are required to travel from different cities for the purpose of deposition.

5. We have heard the learned counsel for the parties at considerable length and have carefully examined the material available on the record.

6. A careful perusal of the record reveals that on 05.08.2025, acting upon credible spy information, the complainant, Sub-Inspector Muhammad Shah Fahad of Police Station ANF Gulshan-e-Iqbal, Karachi, along with subordinate staff, proceeded to the area opposite New Sabzi Mandi, Hyderabad Super Highway, Karachi. There, they intercepted a multi-coloured Refrigerator Hino Truck Trailer bearing Registration No. TLA-079. At the relevant time, accused Naimatullah was seated on the driver's seat, while accused Syed Ikramullah was occupying the front passenger seat. Upon identification by the spy informer, both accused were apprehended in the presence of mashirs. During interrogation, they allegedly disclosed that narcotics had been concealed in a secret cavity specially constructed in the sleeping cabin of the truck and voluntarily produced eight white nylon *toras*. Upon inspection, seven *toras* were found to contain 105 boxes of Methamphetamine (ICE), each weighing 1.2 kilograms, aggregating 126 kilograms, whereas the eighth *tora* contained eighteen

yellow tape-wrapped packets of crystal heroin, each weighing one kilogram, aggregating 18 kilograms.

7. Furthermore, the prosecution case reflects that as much as **126 kilograms of Methamphetamine (ICE), along with 18 kilograms of crystal heroin,** was allegedly recovered from the truck of the applicant/accused. Samples drawn from the recovered contraband were duly forwarded to the office of the Chemical Examiner, whose report confirms the presence of Methamphetamine. The learned counsel for the applicant has failed to point out any material available on the record suggesting that the complainant or any member of the raiding party harboured any enmity, mala fide, or ulterior motive against the applicant so as to falsely implicate him in the present case. In these circumstances, particularly having regard to the exceptionally huge quantity of narcotics allegedly recovered from the possession of the applicant, this Court finds no justification for extending to him the concession of bail. Reliance in this regard is placed upon the judgment of the Hon'ble Supreme Court of Pakistan in *Dolat Khan v. The State and others* (2016 SCMR 1447).

8. Moreover, the alleged offence is punishable with imprisonment for life and, therefore, squarely falls within the prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898.

9. In view of the foregoing discussion, this Court is of the considered opinion that the learned counsel for the applicant has failed to make out a case warranting the grant of post-arrest bail within the contemplation of subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is hereby **dismissed**.

10. The learned Special Prosecutor, ANF, is directed to ensure the attendance of all relevant prosecution witnesses before the learned trial Court on the date already fixed. Upon their appearance, the learned trial Court shall record their evidence without unnecessary delay and thereafter proceed with the trial on a day-to-day basis. No adjournment shall be granted to either party except for exceptional and unavoidable circumstances. The learned trial Court is further directed to conclude the trial expeditiously and decide the same, preferably within a period of **sixty (60) days**, strictly in accordance with law.

11. The case-laws relied by the learned counsel for the applicant are distinguishable from the facts and circumstances of the present case; therefore, the same are not applicable in this case.

12. 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 on merits.

JUDGE

JUDGE

Kamran/PS