

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam
Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1581 of 2026

Applicant : Abdul Rasheed S/o Sher Zaman Khan
through Mr. Muhammad Kamran
Mirza, Advocate

Respondent : The State
through Mr. Habib Ahmed, Special
Prosecutor ANF, Mr. Musharraf Azhar,
Special Prosecutor ANF, Brigadier
Muhammad Umar Farooq, Regional
Director ANF a/w Ms. Salma Khan,
Assistant Director ANF

Date of hearing : 09.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.32/2023 registered under Section 9(1), 3(e) of CNS Act, 1997 (as amended in 2022) of PS ANF Clifton, Karachi, after his bail plea has been declined by the learned Judge, Special Court-II (CNS), Karachi vide order dated 09.02.2026.

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 he has filed the instant bail application purely on statutory delay ground as the FIR was registered in year 2023 and since then no progress is made in the trial and the applicant is behind the bars for about three years. He further

argued that the applicant or his counsel has been attending the trial on each and every date and the delay is entirely on the part of prosecution, who has even failed to examine the prosecution witnesses; as such, this inordinate and unexplained delay squarely entitles the applicant to the concession of bail under the settled principles of law. He further argued that huge quantity of contrabands has been shown to recover from the applicant but the same is foisted upon him as all the prosecution witnesses are ANF officials which constitutes a clear violation of Section 103, Cr.P.C. In support of his contention, he has relied upon the cases reported as (1) Muhammad Usman vs. The State and another (2024 SCMR 28), (2) Rohan Ahmad vs. The State and others (PLD 2024 Supreme Court 492), (3) Shakeel Shah vs. The State and others (2022 SCMR 1), (4) Muhammad Zubair vs. The State (2018 YLR Note 150), (5) Iqbal vs. The State (2001 YLR 743) and Judgment passed in Criminal Petition No.105/2017 by the Division Bench of the Hon'ble Supreme Court of Pakistan.

4. Conversely, the learned Special Prosecutor, ANF, vehemently opposed the grant of bail and submitted that on numerous dates of hearing the learned defence counsel remained absent, as a consequence whereof the proceedings could not progress; therefore, no delay can be attributed to the prosecution. He further contended that a huge quantity of hashish was recovered from the applicant/accused and that the offence carries a maximum punishment of imprisonment for life. Finally, he prayed that the bail application of the applicant be dismissed.

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

6. From perusal of the record reveals that on 22.07.2023, the complainant, Inspector Anjum

Shakeel of Police Station ANF Clifton, received credible spy information that one Abdul Rashid was engaged in narcotics trafficking and would deliver narcotics near Machli Chowk, Dua Restaurant, Maripur Road/Hawks Bay Beach at about 1000 hours. After obtaining approval from the competent authority, a raiding party comprising ANF officials was constituted and proceeded to the designated location in a government vehicle. Upon reaching the spot, the raiding party identified and apprehended the suspect, who disclosed his identity as Abdul Rashid son of Sher Zaman Khan. A search of his black handbag led to the recovery of nine packets of hashish sealed with yellow tape. On weighment, six packets weighed 1,200 grams each and the remaining three packets weighed 1,000 grams each, making a total recovery of 10,200 grams of hashish.

7. On the previous date of hearing, the Regional Director, ANF Karachi, was directed to appear before this Court on account of the inordinate delay in the trial proceedings, as no meaningful progress had been made despite the lapse of approximately three years. In compliance with the said directions, Brigadier Muhammad Umar Farooq, Regional Director, ANF Karachi, is present along with the learned Special Prosecutor, ANF. He has submitted that all prosecution witnesses shall remain in attendance on the next date of hearing and has requested that appropriate directions be issued to the learned trial Court to record the evidence of the prosecution witnesses, as they are required to travel from Khyber Pakhtunkhwa for the purpose of deposition.

8. Furthermore, the prosecution case reflects that 10,200 kilograms of Hashish/Charas were allegedly recovered from the possession of the

applicant/accused. Samples of the recovered contraband were duly forwarded to the office of the Chemical Examiner, and the report received therefrom confirms the presence of Hashish/Charas. 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 large quantity of narcotics allegedly recovered from the possession of the applicant, he is not entitled to 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).

9. 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.

10. 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 bail under subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is hereby **dismissed**.

11. The Regional Director, ANF Karachi, is directed to ensure the attendance of all relevant prosecution witnesses before the learned trial Court on the date fixed. Upon their production, 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 reasons. The

learned trial Court is further directed to conclude the trial expeditiously and decide the same, preferably within a period of **fifty (50) days**, strictly in accordance with law.

12. 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.

13. 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