ORDER SHEET

IN THE HIGH COURT OF SINDH, AT KARACHI

Cr.Misc. Application No.319 of 2025

Date | Order with Signature(s) of Judge(s)

Presents:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Jawad Akbar Sarwana

1. For orders on MA No.5169/25
2. For hearing of case

03.11.2026

Mr. Musharraf Azhar, Special Prosecutor ANF.
Mallag Assa Dashti, advocate for the respondent a/w Merrukh Zehri and Tabinda Zehri.

O R D E R

MUHAMMAD IQBAL KALHORO J:- Allegedly, from respondent 1200 grams of Ice was recovered on 12.09.2024 by Anti-Narcotics Force from Jinnah International Airport, Pakistan Karachi, hence he was booked in the present in Crime No.43 of 2024, U/s 9(1), 6 of CNS (Amended) ACT, 2022 of P.S. ANF Clifton, Karachi.

2. He was granted bail by the trial Court vide impugned order dated 06.12.2024 on the ground that there was no independent person as a witness; the offence does not fall within the prohibitory clause of Section 497(1) Cr. P.C; and that complainant was I.O. of the case.

3. We have heard the parties. Although, we do not agree with the observations and the grounds taken by the learned trial court to grant bail to the applicant, as neither of them is applicable in the present case. The requirement of independent witness has been dispensed with in narcotics cases under section 25 of CNS Act. The maximum punishment of the alleged offence is 10 years hence the offence falls within the prohibitory clause. And it is settled that in the narcotics cases if the complainant is I.O. it does not prejudice the case of accused.

4. Notwithstanding, much water has flown from under the bridges since, and two years have passed, but without any progress in the trial. We are less inclined to upset the order and put the respondent back in the jail, when we do not have any material before us that he has ever

tried to tamper with the prosecution evidence or make efforts to abscond, the primary concerns to be weighed in for cancellation of bail. Therefore, we dismiss this application along with listed application. However, we direct the trial court to expedite the trial and conclude it as soon as possible.

5. This Cr. Misc. Application is disposed of.

JUDGE

JUDGE

Imran