

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.2320 of 2026

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Applicant:- Azmat Khan through Mr. Muhammad Jamil,
Advocate.

Respondent:- The State through Mr. Muhammad Ali Noonari,
Deputy Prosecutor General

Date of hearing:- 01.09.2026
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MUHAMMAD IQBAL KALHORO J: Applicant and two other accused were arrested from Double Road near Zehra Sitara Marriage Hall, Shah Latif Town, Karachi on 11.06.2026 while travelling in a Rikshaw. From each accused different quantity of charas, a total of 24 Kgs charas, was recovered. From applicant, particularly, 9 Kg and 600 grams of charas was recovered. Hence, they were booked in the present case.

2. Applicant's counsel has pleaded for bail on the ground that challan has not been submitted; there is violation of section 103 CrPC; applicant is a labourer working in a textile mill; his attendance-sheet shows that he was present there till 09.06.2026 but then he was arrested on 10.06.2026 and falsely implicated in this case; applicant was tortured at the time of arrest and his one eye has been damaged; further he is a psycho patient as is evident from his medical record, hence is entitled to bail; that defence evidence is to be appreciated in juxtaposition of prosecution case at the stage of bail. Learned counsel has relied upon PLD 2002 SC 590, 2015 MLD 1661, 2016 SCMR 2084, 2023 SCMR 184, 2014 PCrLJ 186, 1996 SCMR 1845, 2001 SCMR 14, 1986 PCrLJ 473, 2014 PCrLJ 186, 2000 SCMR 107, 2017 SCMR 728, 2023 PCrLJ(N) 100, 2022 MLD 716 and 2022 PCrLJ (N) 86.

3. On the other hand, learned DPG has opposed bail and submits that challan has been submitted in the Court.

4. We have heard the parties and seen the material available on record. We are of the view that there is *prima facie* evidence against the applicant and other accused from whom allegedly a huge quantity of

narcotics i.e. 24 Kg of charas was recovered. The alleged recovery is not only supported by 161 CrPC statements but also from the video recording done by the complainant at the time of arrest of the applicant and other accused. The point of non-submission of challan is rebutted by learned DPG with the support of supervisor of investigation of the case, who has appeared, as according to him, IO has been suspended. The medical evidence of applicant's alleged ailment relied here does not seem to have been presented before the trial court, nor as the record shows this ground was taken by the applicant there. Insofar as compliance u/s 103 CrPC is concerned, it is not mandatory in narcotics case firstly and secondly, its effect, if any, cannot be appreciated at bail stage. We do not agree with the learned counsel that any defence of the accused has to be appreciated at bail stage. It is settled that defence of the accused has always to be taken into consideration in the trial after it is filed in the Court in terms of sections 342 and 340(2) CrPC. Filing of Photostat copies of certain documents here as a proof of ailment of the accused, never subjected to investigation or filed in the trial court, will not be allowed to weigh against the prosecution version of the case, when the latter is *prima facie* supported by other material as well.

5. We, therefore find no ground to extend concession of bail to the applicant which is apparently involved in an offence considered to be against the society. Consequently, we dismiss this application. Trial court is directed to examine the witnesses as soon as possible.

The Bail Application is disposed of accordingly. The observations herein above are tentative in nature and shall not affect the case of either party on merits before the trial Court.

JUDGE

JUDGE

HANIF