

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**Criminal Bail Application No.847 of 2018**

Applicant : Habib Ullah S/o Rehmat Ullah  
through Mr.Saleem Nawaz Waziri,  
Advocate.

State : through Mr. Muhammad Iqbal Awan,  
Deputy Prosecutor General Sindh.

Date of Hearing : 26.07.2018

**ORDER**

**AMJAD ALI SAHITO, J :-** Through instant bail application, applicant/accused Habib Ullah S/o Rehmat Ullah seeks post-arrest bail in Crime No.18/2018 registered at Police Station Peerabad, Karachi for offence under sections 6/9(c) of the Control of Narcotic Substances Act, 1997, after his bail plea has been declined by the learned Special Judge, Special Court-I (CNS), Karachi, vide order dated 19.03.2018.

2. Precisely, the relevant facts leading to the disposal of instant bail application are that on 15.01.2018 at about 0600 hours complainant ASI Alam Zeb of PS Peerabad Karachi along with other officials arrested the present applicant/accused along with the co-accused, namely, Shah Jehan and from his possession, recovered charras weighing 1200 grams. After completing all requisite formalities at the spot along with recovered charras the accused was brought at PS where FIR was lodged.

3. Learned counsel for the applicant/accused, *inter-alia*, contended that the applicant/accused is innocent and has been

falsely implicated by the police due to *malafide* intention and ulterior motives; that the applicant/accused was picked by law-enforcement agencies personnel in wearing civil clothes and they illegally detained the applicant/accused in illegal confinement and demanded illegal gratification and when the applicant/accused refused to pay the same, then the police officials became annoyed and involved in a false case; that all the PWs are police officials, who are interested; that the police have enmity with the applicant/accused; that the alleged recovery of 1200 grams charras has been foisted upon the applicant/accused; that being a case of borderline between clauses (b) and (c) of section 9 of the Control of Narcotic Substances Act, 1997; that benefit of doubt shall always go to the applicant/accused at bail stage. He lastly contended that the co-accused, namely, Shah Jehan S/o Bashir Ahmed has been granted bail by the learned trial Court, therefore, the rule of consistency is applicable to the present case and the applicant/accused is entitled to the concession of bail.

4. Conversely, learned D.P.G. for the State has opposed for the grant of bail to the applicant/accused, however, he admitted that the co-accused has been granted bail by the learned trial Court.

5. I have heard the learned counsel for the respective parties and perused the record of this case.

6. It is the well-settled principle of law that at the bail stage deeper appreciation cannot be gone into, but the only tentative

assessment is to be made just to find out as to whether the present applicant/accused is connected with the commission of the offence or not. Applying the above rule to the present case, it is an admitted fact that the co-accused Shah Jehan has been granted bail by the learned trial Court, therefore, the rule of consistency is applicable to the present case and the applicant/accused is also entitled for the concession of bail. This is a borderline case and all the PWs are police officials and there is no question of tampering with the evidence. No private person has been made as mashir in this case. Challan has been submitted, applicant/accused is in a jail, he is no more required for further investigation. From the tentative assessment and the material available on record, I hold that the case of the applicant/accused, *prima facie*, requires further inquiry as contemplated under section 497(2), Cr.P.C. and consequently the bail is granted to the applicant/accused Habib Ullah S/o Rehmat Ullah subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. The observations made hereinabove are tentative in nature and the learned trial Court shall decide the case on its own merits strictly in accordance with law.

**J U D G E**

Karachi,  
Dated 26.07.2018.