

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI,**  
Cr.Bail.Appl.No.196 of 2018.

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**DATE      ORDER WITH SIGNATURE OF JUDGE**

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For hearing of bail application.

26.02.2018.

Mr. M. Qadir Khan, Advocate for Applicant.

Mr. Muntazir Mehdi, Deputy P. G. Sindh.

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Through instant bail application, applicant Muhammad Nabi @ Laly @ Shikari S/o. Shamaz Khan @ Shamas Khan seeks post arrest bail in Crime No.258 of 2016 registered at Police Station Shahra-e-Noorjahan, Central, Karachi for offence u/s 6/9 (c), of C.N.S. Act, 1997.

2. Precisely, relevant facts of the case are that on 16.12.2016 Police Party of P.S. Shahra-e-Noorjehan, headed by Inspector/SHO Rao Zaheer Ahmed, during patrolling duty apprehended the applicant/accused in FIR No. 257/2016 for offences under Section 353, 324, 34 PPC and recovered from him a plastic polythen bag containing 2010 grams charas and cash Rs.310/, whereas, other accused persons namely Nimaro Khan alias Mamo Chamber and Amanullah made their escaped good by throwing their shoppers containing 1115 grams charas and 2020 respectively. After observing required formalities on the spot the applicant/accused alongwith recovered property was brought at police station, where instant FIR was lodged. After usual investigation he was sent up for trial.

3. Learned counsel for the applicant *inter alia* contends that recovery affected from the applicant is 2010 grams charas; chemical report is delayed; no independent person has been cited as witness; applicant has already been granted bail in connected crimes i.e. FIR No. 257/2016 and 260/2016; investigation is completed; all the prosecution witnesses are police officials hence there is no question of tampering with the prosecution evidence. He lastly contended that applicant is behind the bar since last more than one year.

4. Learned D.P.G. while opposing this application, has contended that this is a crime against society, hence, he is not entitled for concession of bail.

5. After careful consideration of contentions of learned counsel for the parties and meticulous examination of available record, alleged contraband narcotics is 2010 grams charas. No private witness has been associated in spite of prior spy information, hence the complainant party *least* could have made an attempt to associate *private* mashirs from way or pointed place; Applicant has been in continuous custody since last more than one year and is no more required for any purpose of investigation nor the prosecution has claimed any exceptional circumstance which could justify keeping the applicant behind the bars for an indefinite period. Moreover, applicant has been granted bail in connected cases, such orders are appended with this bail application. All the prosecution witnesses are police officials hence there is no question of tampering with the evidence. Therefore, keeping *peculiar* facts of instant case; continuous detention of more than one years as well *minimum* punishment, which *normally* may be considered while dealing with bail plea, I am of the view that scale tilts in favour of the applicant for grant of bail as no *useful* purpose is likely to be served with further detention of applicant pending determination of his guilt.

06. Keeping in view the above given circumstances, *prima facie*, applicant has succeeded to bring his case within the purview of subsection 2 of section 497 Cr.P.C, for this reason, he is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and P.R Bond in the like amount to the satisfaction of trial Court.

JUDGE