

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:

**Mr. Justice Amjad Ali Sahito**

Criminal Bail Application No.1223 of 2020

Applicant : Abdul Rehman S/o Nawab Khan  
Through Mr. Haris Ali Khan, Advocate

Respondent : The State  
Through Mr. Sagheer Ahmed Abbasi,  
Assistant Prosecutor General, Sindh

Date of hearing : 08.09.2020

Date of order : 08.09.2020

## **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, the applicant/accused seeks post-arrest bail in Crime No.218/2020 registered under Sections 6/9-C CNS Act, 1997 at PS Rizvia Society Karachi, after his bail plea has been declined by the 1<sup>st</sup> Additional Sessions Judge/MCTC-I Special Judge CNS, Karachi Central vide order dated 28.07.2020.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused submits that applicant/accused is innocent and has falsely been implicated in this case; that all the witnesses are police officials and no private witness has been associated for recovery of alleged charras; that only 1005 gram charras has been shown as recovered which is yet to be decided at the time of trial whether the crime falls within prohibitory clause of section 6/9-B or 6/9-C of CNS Act, 1997. He lastly prays for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned APG has vehemently opposed for grant of bail to the applicant/accused on the ground that as per CRO, he is involved in other similar nature cases which are pending against him.

5. I have heard the learned counsel for the parties and perused the material available on record. It appears that on spy information, the applicant/accused was arrested and recovered 1005 gram charras from his possession, which was sent to Chemical Examiner and its report was received as **positive**. Further, in 161 Cr.P.C. statement, all the witnesses have supported the version of the complainant. As per CRO, the applicant/accused was booked in Crime No.143/2019 at police station Gulbahar for the offence under section 6/9-b, thereafter, another case being Crime No.102/2019 registered against him for the offence under section 23(i)A at police station Azizabad and then another FIR being Crime No.144/2019 registered under section 23(i)A at PS Gulbahar. After involving in all these cases and being released from the jail, on bail, applicant/accused once again committed an offence, which shows that he is habitual offender and misusing the concession of bail. At bail stage, only tentative assessment is to be made and deeper appreciation is not permissible. Prima facie, sufficient material is available on record to connect the applicant/accused with the commission of offence.

6. In view of the above, learned counsel for the applicant/accused has failed to make out a case for grant of post-arrest bail to the applicant/accused. Consequently, the instant bail application is **dismissed**.

7. 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/accused on merits.

JUDGE

Kamran/PA