

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**Cr. Bail Application No. 2371 of 2021**

Applicant : Salman s/o. Muhammad Rafiq, through  
Mr. Farrukh Nawaz Khan Gandapur, advocate.

Respondent : The State, through Ms. Abida Parveen Channar,  
Special Prosecutor A.N.F. a/w S.I. Rashid Ali of  
P.S. A.N.F. Muhammad Ali Society, Korangi,  
Karachi.

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Date of hearing : 31.03.2022

Date of order : 31.03.2022

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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Criminal Bail Application, applicant/accused Salman s/o Muhammad Rafiq seeks post-arrest bail in Crime No. 19/2021 registered at P.S. A.N.F. Muhammad Ali Society, Korangi, Karachi under sections 6/9 (c), 14 & 15 of the Control of Narcotic Substances Act, 1997. His earlier application for the same relief in Special Case No. 68 of 2021 was dismissed by the learned Special Judge-I (C.N.S.) Karachi, vide order dated 20.10.2021.

2. It is alleged that, on 08.08.2021, complainant S.I. Rashid Ali of P.S ANF- Muhammad Ali Society, Karachi reached DHL Head Office JIAP, Karachi where he checked the suspicious parcel and recovered heroin weighing 1300 grams, concealed in the water taps. He separated sample for chemical examination and sealed the remaining heroin along with relevant booking documents under a mashirnama. On scrutiny of the documents as well as suspicious parcel, the name of the sender was found written as Salman s/o Muhammad Rafiq (*applicant*) whereas name of receiver of the alleged parcel was written as Wayne Hayden, r/o 20 Sullivans Walk Keysborough Melbourne, Victoria 3173, Australia, for which instant F.I.R was lodged.

3. Learned counsel for the applicant has contended that the applicant is innocent and has nothing to do with the alleged offence; that on the day of booking of alleged parcel applicant was admitted in Memon Hospital due to dengue fever; that as per

statement of booking clerk of D.H.L office, the alleged parcel was booked by co-accused Saqib-ur-Rehman, who disclosed that the said parcel belongs to applicant and he also handed over CNIC of the applicant to the booking clerk and he has yet not been arrested by the A.N.F.; that there is no direct or indirect evidence to connect the applicant with the commission of alleged offence; that there is no ocular evidence including CCTV footage available with the prosecution showing presence of the applicant at the place of occurrence; that the applicant is confined in judicial custody since his day of arrest and A.N.F. has already submitted challan; hence, his custody is no more required by the A.N.F for further investigation; that the trial of the case is likely to take some time and the applicant cannot be kept behind bars for an indefinite period; hence, he is entitled to the concession of bail.

4. On the other hand, learned Special Prosecutor A.N.F. has opposed the grant of bail to applicant on the ground that the applicant is involved in smuggling of 1300 grams of heroin, for which capital punishment has been provided under the Act and sufficient evidence is available with the prosecution to connect him with the commission of alleged offence.

5. I have heard learned counsel for the parties and perused the material available on record with their assistance.

6. It is an admitted position that the alleged parcel was presented for shipment in the office of DHL by the co-accused Saqib-ur-Rehman, who was accompanied by co-accused Zain s/o Mukhtiar. Co-accused Saqib-ur-Rehman presented the parcel with the copy of the CNIC of the present applicant and a letter-head of "Quality Traders" allegedly bearing signature of the applicant. As such, both the co-accused *prima facie* were found having physical possession of the alleged parcel at the office of DHL, and nothing is available on record to establish that the applicant is the owner or otherwise having any connection with the aforesaid company.

7. For the foregoing facts and reasons, I have found the case against the applicant to be a case calling further inquiry into his guilt as envisaged under sub-section (2) of section 497, Cr.P.C; hence, instant application is allowed. Consequently, the applicant is admitted to post-arrest bail subject to furnishing by him solvent surety in the sum of Rs.200,000/- (*Rupees Two Hundred Thousand only*) and P.R. Bond in the like amount to the satisfaction of the trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

Above are the reasons of my short order, dated 31.03.2022.

JUDGE

*Athar Zai*