

IN THE HIGH COURT OF SINDH AT KARACHI

CR. BAIL APPLICATION NO.568/2021

Applicant : Mst. Zaib-un-Nisa,
through Mr. Muhammad Faheem Zia,
advocate.

Respondent : The state,
through Mr. Talib Ali Memon, APG.

Date of hearing : 04.05.2021.

Date of order : 04.05.2021.

ORDER

SALAHUDDIN PANHWAR, J. Brief facts of prosecution case are that on 17.03.2021 at about 0030 hours applicant/accused was arrested from Inside Gail No.12, Sector-E, Akhtar Colony, Mehmoodabad, Karachi on a tip-off; she was found in possession of 1520 grams chars which was taken into police custody in presence of the police officials.

2. I have heard learned counsel for respective parties and perused the record.

3. Learned counsel for applicant contended that applicant has been falsely implicated; alleged chars was foisted upon her by the police officials for ulterior motives; that applicant is chronic patient of Hepatitis-C and under treatment; learned counsel has referred lab test report of applicant and contended that applicant is entitled for bail on medical grounds.

4. In contra, learned DPG opposed grant of bail to the applicant as she was arrested red handed possessing chars weighing 1520 grams, which cannot be believed to have been foisted upon her;

there is sufficient material available with the prosecution against the accused, recovery is in presence of mashirs who have supported the prosecution story in their statements under section 161 Cr.P.C.

5. The applicant / accused is a **'woman'** whose such status *normally* earns her some privileges even while dealing with **'bail pleas'**; the applicant / accused also claims to be chronic patient of Hepatitis-C; also she is behind the bars from date of her arrest i.e 17.03.2021 and admittedly she is no more required for further probe. The status of allegedly recovered charas is yet to be proved and the quantity of recovered charas is also 1520 grams which, *too*, in peculiar circumstances and manner wherein the applicant / accused is arrested, makes the case one of further probe. All witnesses are police officials and there is no chance of their evidences being tampered with. The accumulative effect of all such circumstances results in tilting the case in favour of the applicant / accused regarding her bail-plea. Hence applicant was admitted to post arrest bail, these are the reasons of short order dated 04.05.2021.

J U D G E

IK