

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 2331 of 2021**

Applicant : Gul Khan s/o. Haji Salam Khan,  
through Mr. Syed Samiullah Shah, advocate

Respondent : The State, through Mr. Faheem Hussain  
Panhwar, D.P.G.

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Date of hearing : 21.03.2022

Date of order : 21.03.2022

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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Criminal Bail Application, applicant/accused Gul Khan s/o. Haji Salam Khan seeks post-arrest bail in Crime/FIR No. 846 of 2021, registered at P.S. Sohrab Goth, Karachi under sections 6/9(c) of the Control of Narcotic Substances ( Sindh Amendment) Act, 2021. His earlier application for the same relief bearing No. 5098 of 2021 was dismissed by the learned Sessions Judge Malir, Karachi vide order, dated 22.11.2021.

2. As per F.I.R., on 09.10.2021 at 02:00 a.m., the applicant was arrested by a police party headed by S.I.P. Zubair Nawaz S.H.O. P.S. Sohrab Goth, Karachi on being found in possession of 2020 grams of Ice at adjacent House No. 129-A, Sector 17A/1, Gul Bungalows, Scheme No. 33, Karachi, for which he was booked in the aforesaid Crime.

3. After hearing the learned counsel for the applicant, learned D.P.G. and perusing the material on record with their assistance, it appears that the alleged recovered Ice ought to have been received in the office of Chemical Analyzer within 72 hours of the seizure as required by Rule 4 (2) of the Control of Narcotics Substances (Government Analysis) Rules, 2001, but perusal of the examination report reveals that the same was received in the office of Industrial Analytical Centre (IAC), H.E.J. Research Institute of Chemistry, University of Karachi, on 18.10.2021, on ninth day of alleged recovery. Nothing is available in

record *prima facie* to show as to where the case property was lying during intervening period. Under such circumstances, the credibility of alleged recovery and of positive analysis report is yet to be established; as such, question of involvement of the applicant in alleged offence needs serious consideration in terms of further enquiry as envisaged under sub-section (2) of Section 497, Cr.P.C. I, therefore, admit the applicant to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.500,000/- (*Rupees Five Lacs Only*) and P.R. Bond in the like amount to the satisfaction of the trial Court.

4. 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.

JUDGE

Athar Zai