ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI Crl. Bail Application No. 616 of 2021.

with signature of Judge
with signature of Judge

For hearing of bail application.

Date of hearing : 10.06.2021. Date of order : 10.06.2021

> Khawaja Muhammad Azeem, advocate for applicant/accused. Mr. Faheem Hussain Panhwar, DPG.

Through instant bail application, applicant Kashif @ Builder son of Muhammad Akram seeks post arrest bail in Crime No.159/2021 registered at Police Station Itehad Town, Karachi, under Section 6/9-C CNS Act.

It is alleged that while patrolling, on a tip-off police party apprehended applicant and found 2200 grams *Charas* under the driving seat of his car.

At the outset, learned counsel for the Applicant/accused while relying upon case laws reported as <u>2020 SCMR 356 and 2017 SCMR 531</u> contends that this is not a case of physical possession of recovery, hence, applicant case requires further inquiry.

Learned DPG opposed for grant of this application on the plea that applicant was having conscious knowledge with regard to availability of narcotics substance in his possession in his car.

In view of judgments reported as 2020 SCMR 356 and 2017 SCMR 531, the question whether the applicant/accused had the conscious knowledge or possession of the recovered narcotic substance shall be determined at the time of trial. Besides no private witnesses have been associated in spite of prior information received by the complainant hence the complainant party *least* could have made an attempt to associate *private* mashirs from way or pointed place; besides, applicant has no previous criminal history, hence, by short order dated 10th June

2021 he was admitted to post arrest bail and these are the reasons thereof. Needless to mention that observations are tentative in nature and will not prejudice to the case of either party.

JUDGE

Sajid