

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

**Cr. Bail Application No. 1633 of 2021**

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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For hearing of bail application.

**16<sup>th</sup> November, 2021**

Mr. K. Jehangir, Advocate for applicant.  
Mr. Abrar Ali Khichi, Addl.P.G.

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Omar Sial, J: Abu Tahir has sought post arrest bail in crime number 348 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997. Earlier, his application seeking bail was dismissed on 20-8-2021 by the learned 1<sup>st</sup> Additional Sessions Judge, Malir.

2. Facts of the case are that the aforementioned F.I.R. was lodged by S.I. Yousuf Ali on 9-8-2021. He recorded that earlier that day a police party led by him was on normal patrol duty when it received spy information regarding a person being in possession of a huge quantity of charas. The police party reached the identified place and apprehended two persons (i) the applicant (ii) Ismail. Upon search of the 2 individuals 1570 grams of charas were recovered from the possession of each person.

3. Learned counsel for the applicant has argued that a small quantity of charas was allegedly recovered from the applicant; that the applicant in any case has been falsely involved in this case as he declined to pay a bribe to the police; that section 103 Cr.P.C. was not complied with. Learned Additional Prosecutor General has opposed the grant of bail.

4. I have heard the learned counsel for the applicant as well as the learned Additional Prosecutor General.

5. The seized substance is charas (as confirmed by the chemical analysis report), a substance prohibited under the CNS Act, 1997. The quantity recovered falls within section 9(c) of the said Act making it an offence carrying a potential death sentence. Section 25 CNS Act 1997 ousts the applicability of section 103

Cr.P.C. Apart from a blanket “they asked for a bribe” no cogent explanation or argument has been raised which would indicate malafide on the part of the police to register this case and falsely accuse the applicant. Prima facie it appears that the applicant was arrested red handed while being in possession of a substantial quantity of charas. No ground which would entitle him to bail has been raised or argued or appears from the face of the record.

6. Above are the reasons for the short order of 2-11-2021.

JUDGE