

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2138 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

23rd December, 2021

Malik Muhammad Tariq, Advocate for applicant.
Ms. Rahat Ahsan, DPG.

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Omar Sial, J: Sabir Ali has sought post arrest bail in crime number 390 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997 at the SIU police station in Karachi. Earlier, his application seeking bail was dismissed by the learned 1st Additional Sessions Judge, Karachi West on 1.11.2021.

2. A background to the case is that the aforementioned F.I.R. was registered on the complaint of S.I. Khalid Khan on 9-10-2021. He reported that a police party led by him was on patrol duty when it received spy information that two suspicious persons are standing on a street. The police party reached the identified place and saw the applicant and one other named Sameer. 110 grams of heroin was recovered from the applicant.

3. I have heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General.

4. It appears from what has been explained to me by the investigating officer of the case that the applicant is a heroin addict and that the narcotic in his possession may have been for his own use. In essence, the applicant himself is a victim of the drug trade. No effort, like in every other case, has been made by the police to reach the suppliers of the heroin; the real beneficiaries of the trade. A relatively small amount has been recovered from the applicant and the case falls on the border line of section 9(b) and 9(a) of the CNS Act, 1997. Although the offence is non-bailable, the punishment of the offence falls within the non-prohibitory clause of section 497 Cr.P.C. Courts in like matters have shown some leniency at the bail stage. Absolutely no purpose will be served to keep the

applicant incarcerated pending trial as the evidence is in possession of the police and the only witnesses are police officials.

5. In view of the above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 50,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE