

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

Cr. Bail Application No. 2281 of 2021

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of bail application.

**24<sup>th</sup> December, 2021**

Mr. Niaz Ali Rawat Khan, Advocate for applicant.

Ms. Rahat Ahsan, DPG a/w SIP Ghulam Muhammad, I.O.

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**Omar Sial, J:** Muhammad Sabir has sought post arrest bail in crime number 192 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997 at the Napier police station. Earlier, his application seeking bail was dismissed by the learned 1<sup>st</sup>. Additional Sessions Judge, Karachi South on 20.9.2021.

2. Facts of the case are that the aforementioned F.I.R. was lodged by S.I. Ghulam Muhammad on 26-8-2021. He recorded that a police party led by him was on normal patrol duty when it received information that a person on a motorcycle was selling charas. The police party reached the identified place where it saw the suspicious person. The person was the applicant. Upon his search, 1620 grams of charas were recovered from him.

3. I have heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General. My observations are as follows.

4. The learned counsel has argued that according to the sentencing policy laid down in the Ghulam Murtaza and another v The State (PLD 2009 Lahore 362) case the punishment for possessing 1620 grams of charas falls within the non-prohibitory clause of section 497 Cr.P.C. The learned counsel's argument carries little weight. The Honorable Supreme Court has already clarified in the case of Socha Gul v The State (2015 SCMR 1077) that the sentencing guidelines issued by the Lahore High Court, Lahore in the above mentioned case of Ghulam Murtaza are not relevant at the stage of bail or during the trial.

5. The one other ground that the learned counsel has argued is that the applicant does not have a crime record. While the crime record of the applicant is not on record, speaking hypothetically, even if he does not have a crime record, the same would not ipso facto entitle him to bail.

6. The record reflects that the applicant was apprehended red handed with 1620 grams of charas. The F.I.R. was registered within one hour of the seizure. The entire seizure was sent for chemical analysis the very same day of its seizure and found to be 1611 grams of charas. No malafide on the part of the police is on record or, as a matter of fact, even argued by the learned counsel for the applicant. The grounds urged by the learned counsel are not sufficient to admit the applicant to bail.

7. The bail application is dismissed.

JUDGE