

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 1341 of 2021

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

22nd November, 2021

Mr. Liaquat Ali Khan, Advocate for applicant.
Mr. Khadim Hussain, Addl.P.G.

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Omar Sial, J: Abdul Rahim Meghani alias Mama has sought post arrest bail in crime number 530 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances act 1997 at the Boat Basin police station. Earlier, his application seeking bail was dismissed by the learned District and Sessions Judge, Karachi South on 5-7-2021.

2. Facts of the case are that the aforementioned F.I.R. was lodged by Inspector Raja Mohammad Afzal on 26-6-2021 reporting an incident that had occurred earlier that day. He recorded that a police party led by him was on normal patrol duty when it received information that a person was in the process of transporting a huge consignment of charas. The police party reached the identified place and arrested the applicant with 11.6 kilograms of charas.

3. The learned counsel for the applicant has primarily stressed on one aspect of the case i.e. the applicant was picked up by a large contingent of plain dress people (suspected to be members of a law enforcing agency) from his house on 10-6-2021 and that on 12-6-2021 the applicant's wife had made a complaint in this regard to the SHO of the Frere police station as well as filed a petition (C.P. No. D-3844 of 2021) before this Court. Learned counsel has attached the relevant documents together with courier receipts. The learned Additional Prosecutor General on the other hand has not rebutted the stance taken by the applicant's counsel and has categorically stated that the applicant was picked up prior to the registration of this case; that he has been falsely involved in this case and that the charas has been foisted upon him.

4. I have heard the learned counsel for the applicant as well as the learned Additional Prosecutor General. In view of the fact that the State itself is of the view that this is a false case and that the charas has been foisted upon the applicant, the applicant cannot be denied bail simply on the ground that 11.6 kgs were allegedly recovered from him. Due weight has to be given to the stance taken by the prosecution in the matter. While admitting the applicant to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 100,000 and a P.R. Bond in the like amount subject to the satisfaction of the learned trial court, I deem it necessary to direct the concerned SSP to look into and inquire into the conduct of the complainant in light of the stance taken by the learned Additional Prosecutor General.

JUDGE