

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

Crl. Bail Application No. 195 of 2023

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of bail application.

**1<sup>st</sup>. March, 2023**

Syed Waqar Alam Abbasi, Advocate for applicant.  
Ms. Abida Parveen Channer, Spl. Prosecutor, ANF.

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**Omar Sial, J:** Abdul Rehman has sought post arrest bail in crime number 30 of 2022 registered under sections 6 and 9 of the CNS Act, 1997 at the ANF's Gulshan-e-Iqbal police station. Earlier, his application seeking bail was dismissed on 17.01.2023 by the learned Special Court No. 1 (CNS), Karachi.

2. Acting upon spy information, an ANF police party led by Inspector Muzamil Ahmed on 31-10-2022 apprehended the applicant being in possession of 180 tablets of Ecstasy. He was arrested and the recovered material sent for analysis.

3. The learned counsel for the applicant has focused his argument on the fact that while the ANF claims 180 tablets were seized from the applicant, only 16 were sent for analysis. He further argued that the quantity of drugs allegedly recovered makes the case of the applicant fall within the ambit of section 9(b) of the CNS Act, 1997 and thus the punishment fell within the non-prohibitory clause of section 497 Cr.P.C. Apart from this the learned counsel was of the view that the applicant in any case was innocent and the drugs had been foisted upon him. The learned Special Prosecutor supported the impugned order. I have heard the learned counsels.

4. The learned counsel for the applicant is partially correct in his argument. Although the entire number of tablets seized i.e. 180 weighing 95 grams in total was sent for analysis, the chemical analysis report shows that 16 tablets out of the 180 were tested. The laboratory found that the

seized drugs was not Ecstasy but that it was methamphetamine (commonly known as “ice”). The punishment for being in possession of such a quantity would make the punishment of the offence fall within the non-prohibitory clause of section 497 Cr.P.C. I am aware of the principle enunciated by the Honorable Supreme Court in the case of Tariq Bashir and 5 others vs The State (PLD 1995 SC 34) that bail in cases falling within the non-prohibitory clause should be granted unless there are exceptional or extraordinary grounds to deny the bail. In the present case, I am swayed by keeping in mind the potential drastic effects of methamphetamine on a person and the society at large, and consider such effects to be an exceptional ground to deny the applicant bail. The lethality and potency of this particular drug is such that the weight of the drug becomes immaterial. Lethal consequences of the use of ice can occur with consumption of small amounts of the same. I am not inclined therefore to show any leniency on the ground of the weight of the drug.

5. Prima facie it appears that the applicant was arrested red-handed while in possession of a lethal narcotic. ANF sleuths had no enmity or ill-will towards the applicant to falsely frame him in this case. As regards the dispute of whether the applicant is liable for 16 tablets or 180 tablets is concerned, is an area that I have no doubt the learned trial court will take into consideration when it renders its judgment at trial.

6. Bail application stands dismissed.

JUDGE