

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 463 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

07-04-2023

Mr. Muhammad Aslam Shar, Advocate for applicant.
Mr. Faheem Ahmed Panhwar, DPG a/w complainant and I.O.

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Omar Sial, J: The applicant Irfan alias Lal Baig was apprehended on 29.04.2022 by a police party led by S.I. Sajid Mehmood, while he was in possession of 125 grams of methamphetamine in his possession. F.I.R. No. 197 of 2022 was registered against him under 6 and 9(c) of the CNS Act, 1997 (as amended up to 2021).

2. Learned counsel for the applicant has argued that the quantity of narcotics seized was miniscule and that the reason for this false accusation is that the father-in-law of the applicant is a social worker, and his drive against drug peddlers in the area, led the police to file this false case against the applicant. Learned DPG has supported the impugned order.

3. I have heard the learned counsel for the applicant and the learned DPG. My observations and findings are as follows.

4. Learned counsel was asked if he had any evidence of the alleged long standing anti-drug drive conducted by his father-in-law. The learned counsel expressed his inability to do so. This was significant at this stage as according to the investigating officer, it is the applicant and his family itself that is engaged in the drug trade. Learned counsel was unable to support his claim of malafide with even the remotest of evidence except a copy of a letter written to the SSP Malir. At this stage, I am not entirely certain that the contents of the letter are genuine. It seems most surprising to me that the letter ostensibly written is dated 12.02.2018 whereas the letter of the AIG confirming that an application from a Fatima has been received is

dated 29.01.2018. No explanation for the anomaly has been provided by the learned counsel for the applicant. I also note that this ground was not taken by the applicant before the learned trial court, casting even more doubt about the veracity of the said letter. Prima facie it seems that the letter has been filed by the applicant with the aim of misleading the Court. Be that as it may, the truth of the matter will be clear once the learned trial court has had an opportunity to evaluate the evidence produced before it.

5. As regard the argument regarding the weight of the recovered narcotics, I find that to be meaningless in the present circumstances. Methamphetamine is a dangerous drug, small quantities of which, also have the potential to cause irreparable damage to the user and may also lead to death, strokes and heart attacks. Like with heroin, there must be zero tolerance towards methamphetamine, a dangerous drug the spread of which, in particular the low income strata of society, is fast becoming a menace.

6. The applicant as caught red handed while in possession of 125 grams of meth. As mentioned above, no reason was attributed as to why the police would register a false case against the applicant. The applicant filing a letter, which prima facie appears to be a false letter, also tilts the balance for grant of bail against the applicant. Further, the applicant's involvement in F.I.R. No. 517 of 2019 (possession of 1070 grams of charas), F.I.R. No. 1553 of 2019 (stealing a motorcycle), F.I.R. No. 733 of 2020 (120 grams of charas) also appears to suggest that the applicant has been repeating the offence and the same disentitles him for bail even further.

7. Above are the reasons for the short order dated 05.04.2023.

JUDGE