

## IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1982 of 2023

Applicant : Dawood Khan  
through Syed Tajuddin, Advocate

Respondent : The State  
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of hearing : 18<sup>th</sup> October, 2023

### **ORDER**

**Omar Sial, J:** Dawood Khan was arrested on 03.03.2022 for possessing 260 grams of charas. F.I.R. No. 74 of 2022 was registered under sections 6 and 9(b) of the CNS Act 2021 at the Kalri police station. His earlier bail application filed before the learned 1<sup>st</sup> Additional Sessions Judge, Karachi South, was dismissed on 17.07.2023.

2. The offence with which Dawood Khan is charged carries a potential sentence of up to 5 years, and though not a bailable offence, the punishment for committing it falls within the non-prohibitory clause of section 497 Cr.P.C. In view of the principles enunciated in the case of Tariq Bashir vs The State (PLD 1995 SC 34), I do not find any extraordinary or exceptional reasons to deny the applicant bail.

3. There is also a letter on record prima facie dated 26.02.2022 that the applicant's father wrote to the Preedy police station informing the police that the Rangers had picked up his son (Dawood Khan) from their house and that his whereabouts were unknown. While it will be at trial that the genuineness of the letter will be determined, at this preliminary stage, malafide on the part of the police to register this case cannot conclusively be ruled out.

4. The interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE