

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 2182 of 2023

Applicant : Irfan
through Mr. Zia-ul-Haq, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.
a/w SIP Gulfaraz Awan, SIO

Date of hearing : 23rd October, 2023

Date of order : 25th October, 2023

ORDER

Omar Sial, J: Irfan was arrested while possessing 530 grams of charas on 15.09.2023. F.I.R. No. 246 of 2023 was registered on the same date under section 9(1)(3(b) of the Control of Narcotic Substances Act, 1997, at the Iqbal Market police station. Irfan sought bail from the learned 1st Additional Sessions Judge, Karachi West, but his application was dismissed on 20.09.2023. He has now approached this Court.

2. The quantity of charas allegedly recovered from the applicant's possession exposes him to a potential punishment of five to nine years, thus not bailable, falls within the non-prohibitory clause of section 497 Cr.P.C. Learned Additional Prosecutor General while agreeing that the sentence for the alleged offence falls within the non-prohibitory clause argues that three similar cases have been registered against him. It is indeed the applicant's involvement in similar crimes that I have closely considered. I have given the applicant some concessions on this account after hearing the case's investigating officer. Upon a query from this court, the investigating officer stated that the applicant was a drug addict. His addiction also includes heroin. When he was arrested, he had fallen on the ground, and his wife had to administer him some heroin so that he could function. No purpose would be served by keeping the applicant behind

bars. He will not stop taking drugs, nor will his incarceration deter drug peddlers. This menace must be addressed at the source. The applicant will only be cured of his addiction if provided with medical attention and therapy. Most regrettably, successive Governments have not felt the necessity to provide such facilities to prisoners. The cases filed previously against the applicant also appear to be the outcome of the applicant's addiction. In my view, the applicant is a victim of the drug trade. For some reason, investigating agencies always stop short of reaching the person who supplies drugs to potential victims. In the present case, too, the investigation stopped at the applicant being arrested. We will never get rid of the menace of drugs if the enforcement target is only the end user whose life has, in any case, been destroyed by the peril of drugs.

3. Notwithstanding the above, the applicant can also not be absolved of liability. God also only helps those who help themselves. The applicant should note that this is likely the last time a concession is given to him due to his addiction. The learned counsel for the applicant is directed to ensure that the applicant understands this order in its letter and spirit and knows that disastrous consequences may result if he does not seek assistance to end his addiction.

4. The applicant is admitted to bail subject to his furnishing a solvent surety of Rs. 100,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court. As another condition of bail, the surety, who should be a family member, should also swear an affidavit that the applicant will be treated at a drug rehabilitation centre during the time he remains on bail and shall provide the requisite evidence to the learned trial court as and when the learned trial court asks him to do so. If any condition of this bail is breached, the learned trial court shall be empowered to cancel the concession granted by this order.

JUDGE

