

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 1295 of 2023

Date **Order with signature of Judge**

For hearing of bail application.

25th July 2023.

Syed Samiullah Shah, advocate for applicant/accused.
Mr. Hussain Bukhsh, Addl. P.G. Sindh.

Applicant/accused seeks post-arrest bail in FIR No.548/2023 registered at Police Station S.S.H.I.A, Karachi for offences punishable under Section 9(1) 3 (B) CNS, Amendment Act 2022.

Admittedly, alleged recovery of 530 grams of charas has been effected from the applicant. The offence with which he is charged is falling within section of 9 (b) of CNS Act 1997, which is not within prohibitory clause. Besides, this case, the applicant is not involved in any other case, he is youthful offender. As such in view of *Tariq Bashir v. State* (PLD 1995 Supreme Court 34) bail can be declined in cases where offence is not falling within the prohibitory clause if there is apprehension that applicant will repeat the same offence or if there is apprehension of obconsion. Accordingly, applicant/accused is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.50,000/- [Rupees fifty Thousand Only) and P.R. bond in the like amount to the satisfaction of the trial Court. However, during trial if applicant is arrested in same nature of case, bail shall be treated as cancelled and trial court would be competent to remand him in custody.

J U D G E

Sajid