

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1056 of 2023

Applicant : Javed S/o Sirajuddin
Through Mr. Samiullah Shah,
Advocate

Respondent : The State
Through Mr. Siraj Ali Khan,
Addl. P.G., Sindh

Date of hearing : 09.08.2023

Date of order : 09.08.2023

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.225/2023 for the offence under Sections 6/9(3)-C CNS (Amendment) Act, 2022 registered at PS Quaidabad, after his bail plea has been declined by the learned Additional Sessions Judge-IV, Malir, Karachi vide order dated 08.05.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that the case of the applicant is on border line which falls either in Section 6 or 9; that no purchaser was available there nor any private witness was associated for the recovery proceedings, as such, he is entitled for concession of bail. In support of his contentions, he has relied upon the cases of (1) Aya Khan and another vs. The State (2020 SCMR 350) and (2) Ali Khan vs. The State (2022 PCRLJ 690).

4. On the other hand, learned Addl. PG has vehemently opposed for grant of bail on the ground that huge quantity has been recovered from the applicant/accused; that the

applicant/accused is involved in six similar nature of cases, therefore, he is not entitled for concession of post-arrest bail.

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. Admittedly, from the face of challan, it appears that the applicant is involved in six similar nature of cases which shows that after seeking bail in one case, he indulges himself again in the same crime. Apparently, he is not only misusing the concession of bail but his conduct is non-serious. Further, punishment of the said offence as provided in Control of Sindh Narcotics Substances (Amendment) Act, 2022 is for life imprisonment, as such, Section 103 Cr.P.C. is not applicable in this case. So far as the case of Aya Khan and another vs. The State relied by learned counsel for the applicant, the same is distinguishable from the facts and circumstances of the present case.

7. In view of above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail. Accordingly, the instant Bail Application is **dismissed**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA