

**IN THE HIGH COURT OF SINDH AT KARACHI****Cr. Bail Application No. 527 of 2024**

Applicant : **Fazal Subhan**  
through Mr. Sajid Mehboob Shaikh,  
Advocate

Respondent : **The State**  
through Mr. Haad Pagawala,  
Special Prosecutor ANF

Date of hearing : 29-08-2024  
Date of order : 05-09-2024

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**ORDER**

**Omar Sial, J.:** The applicant along with a lady named Sadaqat alias Sana was riding a motorcycle on 25.05.2023 when they were stopped by an ANF police party for checking. Three kilograms of charas were recovered from the applicant while Sana was in possession of one kg. F.I.R. No. 20 of 2023 under sections 6, 9(1)(3), 14 and 15 of the Control of Narcotic Substances Act, 1997 was registered against the couple at the ANF police station in Gulshan-e-Iqbal.

2. Learned counsel for the applicant submitted that the real facts were that on 24.05.2023, one of the brothers of the applicant was riding a motorcycle with one other named Shahid; the applicant was on another motorcycle behind them. On the way, the applicant fell down from his motorcycle and dropped his pistol, mobile phone and a watch; which were picked up by the ANF constable, who also then arrested the applicant in the present crime. The reason given by learned counsel for such an act was that the applicant was a Rangers informer, because of which, a drug dealer named Basit was annoyed with him, and hence ANF acted on Basit's behest. Fleetingly, the learned counsel also mentioned that the call data

record of the applicant shows that the phone ostensibly seized was in use for a couple of hours after the arrest of the applicant.

3. I have heard the learned counsel. The ground raised by him is unsubstantiated at the moment. Counsel was not in a position to show the remotest of evidence to support his contention. As regards the analysis of the call data record; that would be tantamount to deeper analysis of evidence. Quite surprisingly, when the alleged companion of the applicant, Sana, applied for bail, the grounds for seeking bail were completely different. Neither denied the presence of the other. Upon a tentative assessment, the applicant was apprehended red-handed with a substantial quantity of charas in his possession. The chemical analysis report confirms the recovered substance to be charas. The punishment for possessing this quantity of charas could potentially be 12 to 15 years thus falling within the prohibitory clause of section 497.

4. Bail application dismissed.

JUDGE