

**IN THE HIGH COURT OF SINDH AT KARACHI****Cr. Bail Application No. 2881 of 2023**

APPLICANT : **Yasin Ghazi**  
through Mr. Mallag Assa Dashti, Advocate

RESPONDENT : **The State**  
through Mr. Pervaiz Ahmed Memon, Special  
Prosecutor Customs along with P.I. Syed  
Muhammad Zahid, Investigating Officer

Date of hearing : 04-03-2024

Date of order : 09-04-2024

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**ORDER**

**OMAR SIAL, J.:** Yasin Ghazi has sought post-arrest bail in crime number SI/MISC/14/2023-EXP registered under section 9 of the Control of Narcotic Substances Act, 2022 at the Customs police station in Karachi. His earlier application seeking bail was filed before the learned Special Court No. 2 (C.N.S.) at Karachi, was dismissed on 12.12.2023.

2. Three containers ostensibly containing salt, and destined for export to Dubai, were searched by the Customs at the port on 04.02.2023. 23 kilograms of heroin were found from one of the three containers. During investigation it was found that the containers had been stuffed at a warehouse situated in Scheme 33 of Karachi. The owner of the warehouse was Abdur Rauf, who told the Customs sleuths that he had sold the warehouse to Yasin Ghazi and handed over possession to him on 26.12.2022 upon half payment of the sale price. In order to support his assertion, Abdur Rauf produced an agreement to sell, and it appears that the Customs were satisfied with the veracity of his statement. The learned trial judge, in paragraph 9 of the impugned order has observed that the

agreement to sell does not contain the signature of Yasin Ghazi. Yasin Ghazi ostensibly being the owner of the warehouse and the allegation that his son and co-accused (Abdul Samad Ghazi) was the person who had the containers stuffed in his presence, at the moment are the two pieces of evidence against Yaseen Ghazi.

3. I have heard the learned counsel for the applicant and the learned Special Prosecutor Customs. My observations and findings are as follows.

4. Whether or not Yasin Ghazi or Abdur Rauf, was the owner of the warehouse, is an issue which still needs to be determined. As noted by the learned trial judge, the agreement to sell contains signatures of Abdur Rauf and his witnesses, but not that of Yasin Ghazi. No document has been shown to me that would prima facie establish that the attesting witnesses of the agreement to sell have supported Abdur Rauf in his claim that he had handed over possession of the warehouse to Yasin Ghazi upon part payment. While there is a witness who has recorded a statement identifying Abdul Samad Ghazi as being present at the time the container was stuffed, no such statement has been made about Yasin Ghazi. Other prosecution witnesses have also pointed fingers at Abdul Samad Ghazi and not his father Yasin Ghazi.

5. In such a situation, whether or not Yasin Ghazi was involved with the smuggling and whether or not he was in conscious possession of the narcotics are questions that require further inquiry.

6. It is also pertinent to mention that the Medical Officer of the District Prison & Correctional Facility, Malir, Karachi vide his report dated 02.03..2024 has reported that *"Patient has high risk for forthcoming cardiac event and his condition detrimental day by day because there is no cardiac monitoring available inside jail. He needs hospitalization under care of multi-disciplinary team for proper management and treatment."* Upon a tentative assessment, it seems that the medical condition of the applicant is precarious and the requisite treatment is not available in jail. I have not dilated on the medical aspect further due to the fact that in my opinion, on merits the applicant has made out a case for grant of bail.

7. Given the above, the applicant is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of Rs. 1 million and a P.R. Bond for the same amount, to the satisfaction of the Nazir of this Court.

JUDGE