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ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 241 of 2013.

Date of hearing	Order with signature of Judge
01.08.2013.	

1. For orders on office objection.
2. For hearing.

Mr. Anwar Ali Shaikh, Advocate for applicant.  
Mr. Abdul Rasheed Soomro, State Counsel.

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Through instant application, applicant Parvez Marfani seeks post arrest bail in Crime No.70/2012, registered at P.S Naperkot, under Section 9 (c) of the Control of Narcotic Substances Act, 1997.

2. Precisely, relevant facts are that, during police patrolling, complainant received a tip-off that applicant is going towards link road, having a plastic bag containing charas for selling purpose. Pursuant to that, complainant alongwith subordinate staff reached at pointed place and apprehended applicant. During search, recovery of 1200 grams charas was effected and he was booked in above referred crime.

3. Learned counsel for the applicant mainly contended that the case of recovery of 1200 grams of charas marginally exceeds to the cases falling under Section 9 (b) of Control of Narcotic Substances Act, 1997, and as such the case of applicant is on borderline.

4. On the other hand learned State Counsel opposed grant of bail to the applicant.

5. Heard learned counsel and perused the record.

6. Perusal of record would reveal that it is a borderline case between sub-clauses (b) and (c) of Section 9 of the Control of Narcotic Substances Act, 1997, as the punishment to be awarded for the offence is always in commensuration with the quantum of recovery of contraband/crime and the quantum of punishment has to be determined by the trial Court. In such like cases whether the accused would be liable to the maximum

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punishment provided for the offence and also as to whether the punishment in case of proof of the guilt after trial in the circumstances would fall under the prohibitory clause are the questions requiring further probe, as punishment provided under Section 9 (c) CNSA 1997 varies according to the circumstances of the case commensuration with the quantity of recovery. The record is also silent as to whether the applicant is a habitual or previous convict etc. and all these facts makes the case against him as that of further inquiry.

7. The bail application is therefore allowed and the applicant is directed to be released on bail on his furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousands) and P.R bond in the like amount to the satisfaction the trial Court.

  
Judge

Ansari/\*