

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.335 of 2021

Date	Order with signature of Judge
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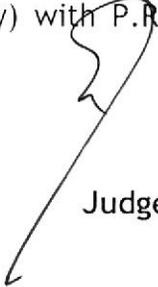
For hearing of bail application.

Dated: 30.04.2021

Mr. Khurram Shahzad for applicant.  
Ms. Rubina Qadri, APG for the State.

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For reasons to follow the applicant is admitted to bail subject to furnishing surety in the sum of Rs.100,000/- (One Lac only) with P.R. bond in the like amount to the satisfaction of trial Court.

  
Judge

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Cr. Bail Application No.335 of 2021

Zahir Khan  
Versus  
The State

Date	Order with signature of Judge
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For hearing of bail application.

**Date of hearing: 30.04.2021**

Mr. Khurram Shahzad for applicant.  
Ms. Rubina Qadri, APG for the State.

-.-.-

**Muhammad Shafi Siddiqui, J.**- The subject FIR No.3 of 2021 is in respect of an offence under section 6/9 of Control of Narcotic Substances Act of police station Saeedabad in which the applicant is seeking bail after arrest.

Brief facts are that SIP Mumtaz Jamali of police station Saeedabad along with subordinates PC Hameed Ullah, PC Shahab Syed and PC Jehanzaib were busy in patrolling while they received a spy information that one person at the address disclosed in the FIR is waiting for customer for the supply of narcotics hence they reached place of incident at around 0200 hours and found a suspicious person. SIP Mumtaz Jamali then along with subordinates apprehended him who disclosed his name as Zahir Khan son of Noor Muhammad. Due to non-availability of private witnesses SIP Mumtaz Jamali conducted search in presence of subordinate PCs and recovered one box which on checking was found to have containing charas of 5 KG. He also recovered one mobile phone and original CNIC from the possession of accused. The recovered charas was claimed to have been sealed on the spot and the suspect was taken into custody and after coming to police station FIR was lodged.



I have heard the learned counsel for applicant as well as learned APG appearing for the State.

The delay in the seizure of alleged charas and sending it to the chemical examiner for examination was of more than 72 hours as the incident took place on 01.01.2021 at 2:00 a.m. whereas charge sheet disclosed that after remand on 02.01.2021 the alleged contraband was sent for chemical examination on 04.01.2021. There is no reasonable explanation as to why it was not sent on 1<sup>st</sup> 2<sup>nd</sup> or 3<sup>rd</sup> of January. The goods were with the I/O all the time without any lawful excuse for about more than 72 hours and that there is no reasonable explanation in this regard.

SIP Mumtaz Jamali who was already patrolling the area did not disclose that he took the scale for weighing along with him as he received spy information while he was already patrolling. The FIR did not mention as to how the contraband items were weighed. The FIR also does not disclose as to how many slabs or portions of the contraband items were found which in aggregate weighed 5 KG. There is no description of the texture of the subject contraband item, as alleged. The chemical examiner's report disclosed only sample of charas received on 04.01.2021. It is thus a case of further inquiry and hence the applicant is entitled to the concession of bail.

Accordingly, vide short order dated 30.04.2021 applicant was enlarged on bail and be released subject to his furnishing surety in the sum of Rs.100,000/- (One Lac Only) with P.R. bond in the like amount to the satisfaction of trial Court, if not required in any other case.

Above are reasons of short order dated 30.04.2021.

Dated: 30-4-2021

  
Judge