

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr.B.A. No. 1992 of 2022

Date	Order with signature of Judge
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For hearing of application.

02nd November 2022

Mr. Muhammad Iqbal, Advocate for applicant/accused.
Ms. Seema Zaidi, Addl. P. G. Sindh a/w ASI-Saleem Akhtar of
C.R.O.

-x-x-x-x-

Through instant bail application, the applicant seeks post arrest bail in FIR No.424/2022, registered at P.S. Docks, Karachi for offence under Sections 6/9-C CNS Act,

2. Brief facts of the prosecution case are that with reference to Rapat No. 43 of Roznamcha of PS ASI-Ghulam Afsar Awan alongwith subordinate through government mobile busy in area patrolling for prevention of crime during patrolling received spy information that two persons are selling ice at Jangle side near TCF School, Machar Colony, Karachi. On this information ASI-Ghulam Afsar reached at the spot where on pointation apprehended two persons, they disclosed their names as Nadeem son of Allah Ditta and Sayatullah son of Dildar Khan. Due to non-presence of private witnesses in presence of the police officials conducted their search and recovered 65 grams ice and cash Rs.500/- from the possession of Nadeem and recovered 60 grams ice from the possession of Sayatullah. Recovered ice were sealed at the spot, hence, FIR under Sections 6/9-C CNS Act was lodged against the applicant/accused.

2. Heard counsel, perused the record.

3. Admittedly, in view of Amendment in Act No. XX of 2022 offence is punishable upto seven years; applicant is first offender; yet trial is to be concluded; offence is not falling within the prohibitory clause, hence, in view of Tariq Bashir case (PLD 1995 SC 34), bail in the offences which are not falling within the prohibitory clause is a right unless it is *prima facie* shows that there is apprehension that the applicant would repeat the offence, will abscond or will tamper with the prosecution evidence; all three *exceptions* are not taken by the prosecution. Accordingly, applicant

is admitted on post arrest bail in the sum of Rs.50,000/- with P.R. bonds in the like amount to the satisfaction of the trial Court with rider that if trial court is intimated that applicant/accused has repeated similar type of offence during trial, trial court would be at liberty to remand the applicant in custody and this bail is ceased to its effect.

4. Needless to mention that the above observations are purely tentative in nature and would not prejudice to the merits of case.

J U D G E

M.Zeeshan