

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.331 of 2025

Applicant : Aijaz Khan S/o Awal Khan
through Mr. Waqas Ali Chaudhary,
Advocate

Respondent : The State
through Ms. Rahat Ahsan, Addl. P.G.
a/w SIP Habibullah

Date of hearing : 03.03.2025

Date of order : 03.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.711/2024 for the offence under Sections 6/9(1)-3(c) of CNS Act registered at PS Gadap City, after his bail plea has been declined by the learned Additional Sessions Judge-IV/ Special Judge (CNS), Malir vide order dated 15.01.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case by the complainant; that there is a violation of Order passed by the Hon'ble Supreme Court of Pakistan reported as 2024 SCMR 934 [Zahid Sarfaraz Gill vs. The State], whereby it has been held that it is the prime duty to record process of recovery but in the instant case, police has failed to record the recovery; that the applicant is in jail and he is no more required for further investigation. Lastly, he prays for grant of post-arrest bail.

4. On the other hand, learned Addl. P.G. vehemently opposes for grant of bail on the ground that the applicant is involved in three other cases of similar nature.

5. Heard arguments and perused the record.

6. From perusal of record, it reflects that during patrolling, the applicant was apprehended and subsequently, recovered 1025 grams charras from his possession. The offence in which the applicant has been booked falls within prohibitory clause of Section 497 Cr.P.C. whereas minimum punishment for this offence is 9 years and maximum punishment is 14 years. Furthermore, learned Add. P.G. stated that the applicant is previously involved in three other cases of similar nature, which shows that after grant of bail in one case, the applicant misuses the concession of bail and indulges in another crime; as such, he is habitual offender. Further, learned counsel for the applicant has failed to plead enmity or ill-will or malafide on the part of complainant to believe that he was falsely been implicated in this case.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **dismissed**. However, trial Court is directed to expedite the matter and conclude the same preferably within 60 days.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA