

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No. 1739 of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

09.10.2024.

M/s. Aamir Mansoob Qureshi and Mamoon A.K. Sherwani,
Advocates for the Applicant.
Mr. Habib Ahmed, Special Prosecutor ANF.

Mohammad Karim Khan Agha, J:- Applicant Syed Dilshad Ali was booked in FIR No.11/2024 under Section 9(1) Sr.3(e) 14, 15 CNSA 2022 registered at PS ANF Clifton, Karachi. He applied for post bail before the Special Court CNS-II Karachi which was declined vide order dated 08.07.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that on 06.03.2024 PS ANF Clifton received information that international smugglers are all set to smuggle huge quantity of charas in a used Land Cruiser car by concealing the same in the fuel tank of the car which was smuggled to Somalia and same is available in Hold container No. HLXU 3345760 at SAPT port. ANF constituted a raiding party which reached at ANF Examination Area SAPT Port and broken the seal of the container and inspected the same. A vehicle was found inside the container silver color Land Cruiser was removed and in the fuel tank secretly hidden packets were concealed which were 21 packets in numbers which when weighed the same total weight came to 21-Kg Charas which was duly sealed on the spot. Narcotic samples were taken and case property was recovered and taken to PS ANF Clifton, hence the aforesaid FIR was lodged.

3. I have heard learned counsel for the applicant and learned Special Prosecutor ANF.

4. No doubt that the offence is serious in nature and sentence of the same can be upto life imprisonment however, this is not an

ordinary case where narcotic has been recovered from the possession of the applicant. The applicant is not named in the FIR and no recovery was made from him. Applicant has been in jail for 6½ months and charge has not yet been framed. There are 06 PWs in the calendar of witnesses none of whom in their Section 161 Cr.PC Statements have implicated the applicant. There is also no evidence that the vehicle belongs to the applicant. The narcotics have been recovered and sent for chemical analysis and as such there is no chance of the applicant interfering with the same. Section 173 report has been filed as such applicant is no longer required for further investigation.

5. In my view this is a case of further inquiry against the applicant Syed Dilshad Ali. He has already spent about 5 months in jail and charge has only been framed with 06 Witnesses left to be examined which will take a considerable amount of time.

6. Based on the above discussion, I find this is to be a case of further inquiry. Accordingly the applicant **Syed Dilshad Ali s/o Syed Mumtaz Ali** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.10,00,000/- (Rupees Ten Lacs) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

7. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it expeditiously. Copy of this order shall be sent to Special Court CNS-II Karachi for compliance.

8. The instant criminal bail application stands disposed of in the above terms.

JUDGE