

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**  
C.P No. D-3346 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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Hearing

- 1. For orders on office objections.
- 2. For hearing of main case.

**31.07.2025**

Mr. Waqar Ahmed Khoro, Advocate for the Petitioner.  
Mr. Ali Haider Saleem, Additional Prosecutor General Sindh.  
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**Zulfiqar Ali Sangi, J.** – The petitioner, Mst. Atiya W/o Muhammad Naveed is nominated in **FIR No.749 of 2025** registered at Police Station SSHIA, Karachi for the offence punishable under **Section 9(1)3(c)** of CNS (Amendment) Act, 2022. Through the instant petition, the petitioner seeks post-arrest bail.

2. Briefly stated, the facts of the prosecution case as per contents of the FIR are that the police party of **P.S. SSHIA, Karachi** headed by **complainant/SIP Jamaluddin Sheikh** along with other police officials, during patrolling in the area apprehended the accused/petitioner and another accused on receiving spy information and recovered 1010 grams of charas from possession of accused/petitioner, hence the aforesaid FIR under the provisions of CNS Act has been registered against her.

3. Learned counsel for the petitioners contends that the petitioner has been falsely implicated in this case and no recovery was affected from her. It is further argued that all the prosecution witnesses are police personnel despite the occurrence having allegedly taken place in a densely populated area. It is submitted that the recovery of charas has been foisted upon the petitioner with mala fide intentions. The learned counsel has further relied upon the judgment of the Hon’ble Supreme Court in the case of *Zahid Sarfaraz Gill v. The State* (2024 SCMR 934), wherein bail was granted in a case involving a larger quantity of narcotics.

4. Conversely, learned Additional Prosecutor General opposes the bail petition on the grounds that the chemical examiner’s report confirms the recovered substance to be **1010 grams of**

**charas.** As per the Table under relevant provision of the Control of Narcotic Substances Act, the quantity falls within the third category, attracting a minimum punishment of **three years and a maximum of seven years** along with fine. He further contends that the petitioner was apprehended red-handed by the police and the case against her stands fully established; hence, she is not entitled to the concession of bail.

5. We have heard the learned counsel for the parties at length and have examined the record with their able assistance.

6. On tentative assessment of the available material, it is evident that all the prosecution witnesses are police officials, and no independent witness from the locality has been associated, despite the place of arrest being a thickly populated residential area. Though in the present case the Police Officials captured the video and photographs, however, the offence for which Petitioner is allegedly involved carried punishment from **three to seven years**. It is settled law that for deciding the bail Petitions the lesser sentence is to be considered which in the present case is **three years** and the same does not fall within the prohibitory clause. It is also settled law that in the cases fallen within the prohibitory clause the bail is right and refusal is an exception.

7. In view of the above discussion and the legal principles, we are of the considered view that the petitioner has made out a case for grant of post-arrest bail. Consequently, this petition is allowed and the petitioner is admitted to post-arrest bail subject to furnishing solvent surety in the sum of **Rs.200,000 /- (Rupees two hundred thousand only)** and a personal bond in the like amount to the satisfaction of the Nazir of this Court. The petitioner shall ensure her presence before the trial Court on each and every date of hearing without fail.

8. It is clarified that the observations made herein are tentative in nature and shall not influence the trial Court, which shall decide the matter strictly on merits.

9. The instant petition stands *disposed of* in the above terms.

**JUDGE**

**JUDGE**

*Farooq PS*