

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.3278 of 2025
(Muhammad Suleman vs. The State)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

For hearing of bail application

Date of hearing

& order **13.04.2026**

Mr. Rehman Ghani Khattack, advocate for applicant

Mr. Ali Haider Salim, Addl: PG Sindh

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.67/2022, u/s 6, 9(C) 14, 15 of CNS Act, 1997, registered at Police Station ANF-MACHS Korangi, Karachi, by means of this application.

2. Applicant was arrested 15.08.2022 along with co-accused, namely, Ayoub while traveling in a rickshaw, from which 57.600 grams of charas in total was recovered. Individually from applicant roughly 28 kilograms of charas was recovered. Hence, they both were booked in the present case.

3. Learned counsel for the applicant has pleaded bail on statutory ground stating that since arrest of the applicant on the day of incident, not a single witness has been examined.

4. Learned Special Prosecutor, ANF has opposed bail.

5. We have seen the impugned order, which shows that on at least six dates, the charge could not be framed--as the offence carries capital punishment--because of absence of defence counsel, and on at least fifteen dates, although prosecution witnesses were present, but on account of adjournment sought by the defence counsel or his absence, the case could not proceed. It is apparent that the delay in conclusion of the trial cannot be attributed to the prosecution only. More so, mathematical calculation of the dates causing delay in the trial is not sanctified by the law. The overall conduct of the parties is to be kept in the mind. In the case, recovery of huge quantity of narcotics is alleged against the applicant and co-accused, namely, Ayoub, and mainly due to conduct of defence counsel, the prosecution witnesses have not been examined.

6. We, therefore, do not find the applicant entitled to bail; accordingly his bail application is dismissed. However, we strictly direct the trial Court to proceed with the matter and conclude it in six months without fail by not giving any adjournment to either party. In case the defence counsel does not appear

or proceed with the case, the trial Court shall provide a counsel to the accused on State expenses and proceed with the matter.

7. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/PA.