

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.2989 of 2026
(Noor Khan vs. The State)

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

For hearing of bail application

Date of hearing

& order **02.10.2026**

Syed Ahmed Ali Shah, advocate for applicant
Mr. Abrar Ali Khichi, Addl: PG Sindh

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.123/2026, u/s 9(i)3(c) CNSA, registered at Police Station Baldia , District Kemari, Karachi, by means of this application.

2. Applicant was arrested along with his brother by a police team of Police Station Baldia, District Kemari, headed by SIP Javed Khan, from Baldia No.4, Main Hub River Road, near Chipa Center, Baldia Town, Karachi on 18.05.2026. From him 2064 grams of charas, and from his brother 2084 grams of charas was recovered. Hence, both were booked in the present case.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case, which is evident from the fact that one day prior to FIR, mother of the applicant had moved an application to the DIG against illegal arrest of her sons and robbery committed at her house by the police. Then on the next day, she had filed an application 22-A & 22-B Cr.PC in the Court, bringing the same facts to the knowledge of Ex-Officio Justice of Peace, for action against the responsible ones.

4. On the other hand learned Addl: PG Sindh has opposed bail citing previous criminal history of the applicant since 2012 in many identical cases. Regarding, application filed by the applicant's mother, he submits that it is a defense plea, which would be appreciated by the trial Court.

5. We agree with the learned Addl: PG Sindh that defence plea taken by the applicant needs deeper appreciation and cannot be weighed at bail stage. Such application, purportedly a day prior to FIR, has yet to be put in juxtaposition with the prosecution evidence and its scope etc, yet to be determined. The facts otherwise *prima facie* show involvement of the applicant in a heinous offence of narcotics. The incident was also recorded on a USB, which is a part of the record. Learned counsel has submitted that the Supreme Court has time and again held that the past criminal history will not matter while

deciding right of an accused to bail. Be that as it may, in our view if an accused despite being granted bail in cases, repeats the same offence, it is a relevant circumstances, as his apparent misuse of concession of bail in previous cases is established. In presence of *prima facie* evidence, as discussed above, the value of the application filed one day prior to FIR, yet to be determined, plus, apparent repetition of the offence by the applicant, we do not find the applicant entitled to concession of bail.

6. Accordingly, this bail application is dismissed. However, learned trial court is directed to expedite the trial and examine the material witnesses within a period of four (04) months, after which, in any case, the applicant would be at liberty to repeat application for the same relief, which, if filed, shall be decided on its own merits.

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.