

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1387 of 2026
(Muhammad Sami vs. The State)

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

For hearing of bail application

Date of hearing

& order **20.08.2026**

Mr. Shah Imroz Khan, advocate for applicant

Mr. Mushraf Azhar, Special Prosecutor, ANF

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.24/2024, u/s 6/9(1) Sr.6(C) of the CNSA, 1997, registered at Police Station ANF-II, Korangi, Karachi by means of this application.

2. Applicant was arrested on 05.04.2024 from Jinnah International Airport Karachi while he was trying to smuggle out heroin to Bangkok. From his shoes, 526 grams of heroin was recovered and FIR was registered. After that he was taken to the hospital, where his X-ray was conducted. In his stomach, 438 grams of heroin was found that was retrieved. Thus, in all, from him 964 grams of heron was recovered. Earlier, he filed an application for bail, which was disposed of on 07.10.2024 with directions to the trial Court to complete the trial in three months.

3. Learned counsel for the applicant has submitted that despite directions of three months, only two out of ten witnesses have been examined, that too only after filing of this application, in which the said directions were repeated. He further submits that applicant is in jail for more than two years and keeping in view the pace of the trial, the trial is not likely to be concluded in near future.

4. On the other hand, learned Special Prosecutor, ANF, has opposed bail stating that the complainant and doctor have been examined and the trial would be concluded in near future.

5. However, we are of the view that on the statutory ground of delay, applicant is entitled to bail. In 2024, his bail application was dismissed with a direction of three months to complete the trial, but those directions were completely ignored, not only by the trial Court but also by the prosecution by not examining a single witness in two years. The two witnesses, who have been examined recently are only a result of fresh directions given in

this bail application, which has been repeated after about two years. The expeditious trial is the right of the accused is already settled which in this case appears to have been denied to the applicant. In any case, an accused cannot be kept in jail for an indefinite period with a complete leeway to the prosecution to examine the witnesses at its own wish.

6. Accordingly, this application is allowed and applicant is granted bail subject to his furnishing two solvent sureties in the sum of Rs.100,000/ (Rupees one hundred thousand only) each with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

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.