ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No. 3097 of 2026
(Saleem **vs.** The State)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Jawad Akbar Sarwana

For hearing of bail application
Date of hearing
& order **10.11.2026**
M/s. Muhammad Jamil and Sarosh Jamil, advocate for applicant
Mr. Mushraf Azhar, Special Prosecutor, ANF

O R D E R

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.97/2025, u/s 6/9(1) Sr. 3(e) 14,15 CNSA, 1997, registered at Police Station ANF MACHS Korangi, Karachi by means of this application.

2. Applicant along with co-accused Muhammad Kalim were arrested on a tip-off by Anti-Narcotics Force (**ANF**) on 20.12.2025 from Indus Chorangi, Mehran Town, Korangi, Karachi while travelling in a Rikshaw, when from them 46 Kg of charas was recovered. Hence, they were booked in the present case.

3. Applicant's counsel has pleaded for bail on the grounds of joint possession, and joint recovery shown in the case; IO being the complainant; the Challan not showing date of submission and the applicant in jail without progress for eleven (11) months.

4. On the other hand, learned Special Prosecutor, ANF has opposed bail.

5. We have considered the submissions. *Prima facie,* there is a direct recovery of 46 kg charas from the applicant and co-accused, which is punishable for life imprisonment. Hence, bar to bail u/s 51 of the CNS Act, 1997, is *prima facie* attracted. Insofar as, joint recovery, joint possession, and joint memo of recovery and arrest, etc. are concerned. There is no bar in law that when two persons are arrested jointly and narcotics is recovered from their joint possession, a joint mashirnama mirroring such facts would be illegal, or such document would lose its probative value, without being actually subjected to a trial. It is also settled that there is no bar over complainant acting as IO in the narcotics cases. It shall not prejudice investigation against the accused, unless it is shown that he has any stake to falsely implicate the latter.

6. Insofar as the question over date of Challan is, we have nothing before us to ascertain for what reason the trial Court allowed the IO to submit Challan with delay, if any. However, it is pertinent to say that there is a provision in the Criminal Procedure Code (Section 344 Cr.PC), which in certain circumstances allows delay in the trial. But, be that as it may, such delay will not make the applicant entitled to concession of bail in a narcotics case by making the recovery doubtful. Not the least, when the exact circumstances of delay in the trial, if any, are not explained.

7. It is also settled that bail applications are decided on the criteria of tentative assessment of the prosecution evidence. Here, such assessment has led us to see that there are reasonable grounds, as above, to believe that the applicant is involved in this case. Hence, we do not find him entitled to concession of bail. His bail application is accordingly dismissed.

8. 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.