

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.2575 of 2024

Applicant : Muhammad Aadil S/o Tariq Mahmood  
through Mr. Naveed Ahmed Baloch, Advocate

Respondent : The State  
through Mr. Mohsin Ali Khan, Special  
Prosecutor ANF

Date of hearing : 25.02.2025

Date of order : 25.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.4/2023 for the offence under Sections 6/9(I)3(c) CNS (Amended) Act, 2022 of PS ANF Clifton, after his bail plea has been declined by the learned Incharge Judge, Special Court-II (CNS), Karachi vide order dated 26.10.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, he has filed the instant bail application purely on the ground of statutory delay as the applicant is confined in jail since 21.01.2023 being his date of arrest; that even charge has not been framed; that prosecution has failed to conclude the case within two years. Lastly, he prays for post-arrest bail to the applicant.

4. On the other hand, learned Special Prosecutor ANF while opposing bail submits that on last two dates of hearing, due to absence of counsel for the applicant, the matter could not be proceeded further.

5. Heard the parties and perused the material available on record.

6. On last date of hearing, progress report was called, which is available in the file. The report reflects that after framing charge

against accused Mohammad Adil, Syed Mohammad Shahzad Hussain Zaidi and Yasir Khan, the prosecution witnesses Malkhana Incharge ASI Mohammad Azharuddin, parcel carrier PC Mohammad Farooq were examined while mashir of arrest and recovery ASI Usama Azam was partly examined. Thereafter, prosecution filed supplementary charge sheet on 20.12.2024 against the accused Mohammad Adil, who was shown in custody and three other accused, who were on bail. Case papers as required U/s 265-C Cr.P.C. were supplied to all the four accused on the said date and now the case is fixed on 25.02.2025 for amending the charge. Since the instant bail application has been filed purely on statutory delay and the prosecution has failed to conclude the case within two years; as such, the applicant is entitled for concession of bail. Accordingly, the instant bail application is **allowed**. The applicant/accused named above is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- and P.R. bonds in the like amount to the satisfaction of learned trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA