

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.2531 of 2024

Applicant : Sheeraz Aftab S/o Ahmed Bux Aftab  
through Mr. Hussain Bux Balouch, Advocate

Respondent : The State  
Through Mr. Muhammad Noonari, DPG

Date of hearing : 06.02.2025

Date of order : 06.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.13/2024 for the offence under Sections 6/9(2)5 of CNS Amended Act, 2022 of PS Excise, Korangi, after his bail plea has been declined by the Addl. District & Sessions Judge-I, Karachi East vide order dated 22.10.2024.

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, applicant is innocent and has falsely been implicated in this case; that due to enmity, 510 ice was allegedly foisted upon him; that punishment for the offence in which the applicant has been booked is upto 7 years and the same does not fall within the prohibitory clause; that the applicant is in jail for last 10 months and no progress has been made; that only charge has been framed and the witnesses are not attending the Court; that the applicant is no more required for further investigation. Lastly, he prays for grant of bail to the applicant.

4. On the other hand, learned DPG vehemently opposes for grant of bail.

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

6. From perusal of record, it reflects that the incident took place on 29.05.2024 when Excise Police encircled a vehicle No.BTQ-942 who was driven by the present applicant and on search, recovered 510 grams *ice*. So far as contention of learned counsel for the applicant that only charge has been framed and witnesses are not attending the Court, the same carries weightage as the applicant is in jail for last 10 months without any progress. Further, the offence in which the applicant has been booked does not fall within the prohibitory clause of Section 497 Cr.P.C. and the maximum punishment provided by the law is 07 years, grant of bail is a rule and refusal is exception; however, no exception has been pleaded by the learned Addl. P.G. to believe that the applicant is not entitled for concession of bail. At bail stage, only tentative assessment is to be made and deeper appreciation is not permissible.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, 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.100,000/- and P.R. bonds in the like amount to the satisfaction of learned trial Court.

8. 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