

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2661 of 2024

Applicant : Ikhtiar Ali S/o Rab Dino
through Syed Amir Ali Shah, Advocate

Respondent : The State
Through Mr. Mohsin Khan, Spl.
Prosecutor ANF

Date of hearing : 10.02.2025

Date of order : 10.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.45/2024 for the offence under Sections 6/9(1)3(C), 9(2)4 of CNS Amended Act, 2022 of PS ANF Gulsha-e-Iqbal, after his bail plea has been declined by the learned Judge, Special Court-I (CNS), Karachi vide order dated 05.11.2024.

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 by the complainant with malafide intention and ulterior motives; that from that face of FIR, it appears that private persons were available at the occurrence but the I.O. of the case has not made them as mashir of recovery and arrest; that the applicant is a businessman and he was arrested from his business place. He submits that the applicant is in jail and is no more required for further investigation. Lastly, he prays for grant of post-arrest bail.

4. On the other hand, learned Special Prosecutor ANF vehemently opposes for grant of bail.

5. Heard arguments and perused the record.

6. From perusal of record, it reflects that the allegation against the applicant is that he used to sell drugs to the students of the university and on the day of incident, on tip information, the accused was arrested and subsequently, recovered 1200 grams charas and 165 grams ice. Further, the offences in which the present applicant has been booked fall within the prohibitory clause of Section 497 Cr.P.C. whereas minimum punishment for this offence is nine years and maximum punishment is for 14 years. Learned counsel for the applicant has failed to plead enmity or ill-will or malafide on the part of complainant to believe that he was falsely been implicated in this case.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **dismissed**.

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