

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Omar Sial
Mr. Justice Miran Muhammad Shah

Crl. Bail Application No. 2486 of 2025

Applicant : Ubaidullah @ Toor Khan
through M/s. Muhammad Daud Narejo
and Mohammad Yousif, Advocates

Respondent : The State through Mr. Muhammad Iqbal
Awan, Additional Prosecutor General

Date of hearing : 13.10.2025

Date of Order : 27.10.2025

ORDER

Omar Sial, J: A police party of the Aziz Bhatti police station was on patrol on 26.03.2025 when it saw a suspicious car parked on the road near a hotel. As the police party approached the vehicle, one person sitting in it disembarked and ran away. A little while later Ubaidullah alias Toor Khan (the applicant), who owned the nearby hotel came to where the police was and told them that the car belonged to a Syed Rafiullah. The police cut open the seats of the vehicle and recovered 10970 grams of charas. The police arrested the applicant and registered F.I.R. No. 204 of 2025 under sections 9(1)(3)(e) of the CNS Act 1997 at the Aziz Bhatti police station. Syed Rafiullah, the alleged owner of the vehicle, was also named as an absconding accused.

2. The learned 5th Additional Sessions Judge, Karachi East on 02.05.2025, in a well-reasoned order, admitted the applicant to bail. Subsequently it was discovered that the case was actually registered under the Sindh anti-narcotic legislation, and that the learned Additional Sessions did not have jurisdiction to grant bail. An application under section 497(5) Cr.P.C. was filed by the State on the

ground that the trial court had no jurisdiction, which application was allowed by the learned 5th Additional Sessions Judge, Karachi East on 25.08.2025. The applicant was taken into custody. In the interim the Sindh law changed and trial courts were given the jurisdiction to entertain bail applications. The applicant again applied for bail but this time his application was dismissed by the learned Sessions Judge, Karachi East vide order dated 08.09.2025.

3. We have listened to the learned counsel for the applicant and the learned Additional Prosecutor General. Our observations and findings are as follows.

4. It is admitted by the prosecution that the applicant is not the owner of the vehicle and that he was also not found in possession of the vehicle when the vehicle was seized. The prosecution however claims that the vehicle had been rented by the applicant. No evidence was shown to us in this regard. To the contrary, it seems that the call data record, collected by the police shows no connection between the owner of the vehicle (Rafiullah) and the applicant. Upon a tentative assessment, we also find it unnatural that a person who had nothing to do with the vehicle would come to the police, unsolicited, and assist it with identifying the owner of the car, if he knew that there was 11 kilograms of charas hidden in the car. We also note from the first bail granting order that the court was told by the investigating officer that he had been unable to discover evidence which links the applicant with the offence. We tend to agree with the reasons given by the learned 5th Additional Sessions Judge, Karachi East, based on which he had concluded that the case against the applicant is one of further inquiry.

5. Given the above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 500,000 and a P.R. Bond for the same amount to the satisfaction of the learned trial court.

JUDGE

JUDGE

