

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.2844 of 2025
(Sanaullah Jan **vs.** The State)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz-ul-Hassan Shah

For hearing of bail application

Date of hearing
& order **04.12.2025**

Mr. Mallag Assa Dashti, advocate for applicant
Mr. Qamaruddin Nohari, DPG

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.468/2025, u/s 9(1)3(b) CNS Amended Act, 2024, registered at Police Station Kh. Ajmair Nagri, Karachi by means of this application.

2. Applicant was arrested on 16.09.2025 by police of Police Station Kh. Ajmair Nagri, from inside road near Ghulam Lawn, Sector-3, North Karachi, Karachi and from him allegedly 5150 grams of charas was recovered. Hence, he was booked in the present.

3. Learned counsel for the applicant has argued that applicant is a factory owner, tax payer, and originally resident of Peshawar; that applicant has been falsely implicated in this case, on the day when the FIR was registered, a petition was filed before this court against illegal detention of applicant and three other persons, who were also subsequently booked in different narcotics cases and shown to be each in possession of 5 kg. of charas. All those accused have been granted bail on account of filing of petition on the very day but the applicant's bail has been dismissed; that case against the applicant due to filing of petition and application before his arrest and FIR has become one of further inquiry and the applicant is entitled to bail.

4. On the other hand, learned DPG has opposed the bail, stating that a huge quantity of charas, which cannot be imposed upon the applicant, has been recovered from him.

5. We agree with the learned DPG considering that there is no record showing that the police have any enmity with the applicant to falsely implicate him in this case in which prima facie a huge quantity of charas has been recovered. Filing of a petition and its consequences cannot be appreciated at bail stage as it requires deeper appreciation of evidence. While deciding bail application, it is settled, only a tentative assessment of the material available

on record has to be carried out. Prima facie, the applicant appears to be involved in the present case, which has recently been registered just two months ago and is still at a preliminary stage. Therefore, we dismiss this bail application and direct the learned trial court to examine the witnesses within a period of four months where after the applicant would be at liberty to move a fresh bail application, which if filed, shall be decided on its own merits.

6. 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