

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Appl.No.3197 of 2025

Date	Order with signature of the Judge
------	-----------------------------------

Present:
Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Syed Fiaz ul Hassan Shah.
Azad KhanVs. The State

17.12.2025.
Mr. Zafar Iqbal, Advocates for applicant
Mr. Ali Haider Saleem, Addl. P.G.

O R D E R
=

MUHAMMAD IQBAL KALHORO J: A police team of P.S. Quaidabad, Karachi headed by SI Ikhtiar Ali arrested applicant alongwith co-accused from Wazirustan Chowk, Gulshan-e-Buner, Karachi on 26.07.2025 at 12.40 a.m. and from them respectively 580, 610 and 520 grams of Charas was recovered and they were booked in FIR bearing Cr. No.446/2025 U/s 9(1) 3(b), Sindh, CNS Act, 2024 of P.S. Quaidabad, Karachi.

2. Learned counsel for applicant submits that co-accused have been granted bail but the same Presiding Officer has dismissed bail application of the applicant twice without considering the grounds in a mechanical manner.
3. On the other hand, learned Addl. P.G. has failed to explain as to how the same Presiding Officer who has granted bail to two co-accused has dismissed the bail application of the applicant twice although all the accused have been booked in the same case and same role has been assigned to them.
4. We have further perused the record which shows that first bail application of the applicant was dismissed by the same Presiding Officer vide order dated 10.09.2025. Thereafter he granted bail to co-accused namely Muhammad Khan vide order dated 22.09.2025 and other co-accused namely Umar Danish @ Kala on 10.10.2025. When the applicant repeated his bail application on the rule of consistency, he again dismissed his application vide impugned order observing that there was no fresh ground. Although rule of consistency after grant of bail to co-accused apparently stood attracted in his case. The approach of the Presiding Officer is highly objectionable in that in the same case he has granted bail to co-accused having been assigned the same role and facing the same consequences and dismissed bail application of the present applicant.
5. Be that as it may, we are of a view that in this case in view of bail to co-accused, rule of consistency is applicable, hence this application is allowed and applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of the trial court.

6. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

7. Before parting with this order, we call upon MIT-I of this court to call an explanation of the Presiding Officer to justify the impugned order and taking a contrary view in the same case in respect of different accused having been assigned the same role.

The Cr. Bail Application is disposed of.

JUDGE

JUDGE

A.K