

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.3412 of 2025

Present:

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

For hearing of bail application

Date of hearing

& order **11.03.2026**

Mr. Muhammad Khalil-uz-Zaman, advocate for applicant

Mr. Ali Haider Salim, Addl: PG Sindh

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.26/2024, u/s 6/9(i)6 (c) CNS (Amendment) Act, registered at Police Station Excise, District Malir, Karachi, by means of this application.

2. Allegedly applicant was arrested on 04.12.2024 by the Excise Police from under Jamali bridge on the main Superhighway, District Malir, Karachi, and from him allegedly 1020 grams of heroin was recovered. Hence, he was booked in the present case.

3. Learned counsel for the applicant has pleaded bail on the ground that more than one year has passed, but not a single prosecution witness has been examined by the prosecution although, the trial Court has issued Non-Bailable Warrants (NBWs) to procure attendance of the prosecution witnesses but in vain. More so, the compliance of Section 17(2) Sindh Control of Narcotics Substances Act, 2024 has not been done in this case.

4. On the other hand, learned Addl: PG Sindh has opposed bail. However, it is apparent from the case diaries filed by the applicant's counsel that despite efforts made by the trial Court, including issuance of NBWs, the prosecution witnesses are not appearing to adduce evidence. An expeditious trial is the right of an accused, which in this case, *prima facie* has been denied to him. In addition to same, the record does not show that compliance of Section 17(2) Sindh Control of Narcotics Substances Act, 2024, i.e., video recording of incident was done. Hence, we are of the view that case against the applicant is one of further inquiry. Accordingly, this application is allowed and applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.300,000/ (Rupees three hundred thousand only) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

5. 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.