

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.302 of 2026
(Shahzaib Alam vs. The State)

For hearing of bail application

Date of hearing

& order 18.03.2026

Mr. Naveed Ahmed Baloch, advocate for applicant

Mr. Mushraf Azhar, Special Prosecutor, ANF

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.51/2024, u/s 6, 9 (1)3(e) 14, 15 of CNS Act, 1997 (Amended Act, 2022), registered at Police ANF Gulshan-e-Iqbal, Karachi, by means of this application.

2. Applicant was arrested by the Anti-Narcotics Force on 23.11.2024 on a tip-off, from New Sabzi Mandi, Service Road, Jamali Bridge, Sohrab Goth, Karachi, and allegedly 12 kilograms of charas was recovered from tank of the motorcycle he was riding on. Hence, he was booked in the present case.

3. Learned counsel for the applicant has pleaded for bail on statutory ground stating that the delay in the trial is not on the part of applicant, and the prosecution has failed to even examine a single witness since the arrest of the applicant on 23.11.2024. In support of his contentions, he has relied upon the case law reported **PLD 2022 SC 112**

4. On the other hand, learned Special Prosecutor, ANF has drawn our attention to para No.6 of the impugned order, and has opposed bail.

5. We have seen that for more than one year the applicant did not engage any advocate due to which the charge could not be framed. And ultimately, when the applicant engaged an advocate, he chose to remain absent and because of this reason, the trial Court has not been able to frame the charge. It is apparent that delay in the trial is attributable to the applicant. Firstly, he did not engage any advocate for more than one year, and thwarted the trial Court from framing the charge virtually. In the offences carrying capital punishment, the charge is required to be framed

in presence of advocate of the accused. Secondly, even after that, his advocate has not been appearing before the trial Court. Therefore, we are of the view that applicant is not entitled to bail even on statutory ground. Accordingly, this bail application is dismissed. The trial Court is directed to provide counsel to the applicant on State expense, if the counsel engaged by him is not appearing in the Court. The trial Court shall also frame the charge, proceed with the trial, and conclude it within a period of six months without fail.

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