

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.2899 of 2025

Present:

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

Applicant:- Naimatullah Khan through Mr. Shaukat Hayat,
Advocate.

Respondent:- The State through Mr. Musharraf Azhar,
Special Prosecutor ANF.

Date of hearing:- 13.01.2026

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MUHAMMAD IQBAL KALHORO J: Multiple attempts by applicant to seek post arrest bail in the past up to this Court have failed. On most of such occasions, directions to the trial Court were extended for expeditious conclusion of the trial. It is reported that meanwhile all the prosecution witnesses have been examined and the case is now posted for statement of accused under section 342 Cr. P.C.

2. Present bail application has been filed by the applicant mainly relying upon an order dated 12.01.2026, passed in Cr. Bail Application No.876/2025. Otherwise, the facts of the case are that applicant was arrested from the spot i.e. Karachi Port by Anti-Narcotics Force on 31.05.2022 along with a container from which 145 Kgs of Ketamine concealed in fabric rolls was recovered.

3. In the bail order referred above, we have granted bail to the accused from whom 03 Kg of Ketamine was recovered but the two accused from whom same quantity of Ketamine was recovered have filed a petition in this Court challenging the Notification categorizing the Ketamine as psychotropic substance in which restriction to pronounce the judgment in that case has been operating. While granting bail to the accused in that case, we have observed that explicitly applicant was not responsible for the stay enforced in the case as he has not filed the said petition and on the contrary has cooperated in the trial which has reached the stage of judgment and for no fault of him, is in jail. While in this case, not only a huge quantity of Ketamine in presence of applicant was recovered but he himself has filed a petition challenging the

Ketamine as narcotics substance. No stay is operating in his petition but his petition has been tagged with the petition bearing No.D-9001/2024 in which such stay is in force. So on the one hand, applicant has challenged the nature of Ketamine to be psychotropic substance and on the other hand is seeking bail by referring to such petition. If this argument is accepted, then every accused in narcotics cases would file a petition questioning nature of the narcotics to be psychotropic substance and succeed to seek bail on the said ground.

4. Learned Special Prosecutor ANF while opposing the bail has stated that the case of the applicant is quite different as there is no stay insofar as the conclusion of the trial against him is concerned and since all the prosecution witnesses have been examined the case could be decided within a short period.

5. We agree with him and observe that case of the applicant is on different footings then the one in which we have granted bail to an accused. *Prima facie*, applicant appears to be involved in the case in which huge quantity of narcotics has been recovered. The case is at the verge of conclusion. No stay is in force insofar as the pronouncement of judgment in his case is concerned. We, therefore, dismiss this bail application and direct the trial Court to conclude the case and announce judgment in accordance with law within a short period preferably in two months.

The Bail Application is disposed of accordingly. The observations herein above are tentative in nature and shall not affect the case of either party on merits before the trial Court.

JUDGE

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