ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No. 3486 of 2026
(Yasir Ahmed **vs.** The State)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Jawad Akbar Sarwana

For hearing of bail application
Date of hearing
& order **12.11.2026**
Mr. Aijaz Hyder, advocate fro applicant
Mr. Muhammad Ali Noonari, DPG

O R D E R

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.01/2025, u/s 6/9-1(6)d Sindh CNS Act, 2024, registered at Police Station Korangi, Karachi by means of this application.

2. Applicant was arrested on a tip-off by the Excise Police on 09.02.2025 from Vita Chowrangi, Korangi Industrial Area (KIA), Karachi, whereas his wife namely Sadia present there made her escape good by speeding away on a car. From, applicant 2100 grams of heroin was recovered. Hence, both were booked in the present case.

3. Learned counsel for the applicant has pleaded for bail on the grounds of non-compliance of Section 103 Cr.PC; rule of consistency as co-accused, his wife, has been granted bail; and delay in the conclusion of the trial.

4. On the other hand, learned DPG has opposed bail citing previous criminal cases registered against him as well.

5. We have considered submissions and perused the material available on record. In our view applicant is not entitled to the grant of bail at this stage, as, *prima facie,* from him huge quantity of heroin has been recovered, which is punishable for life imprisonment. Hence, the bar contained in the prohibitory clause u/s 497(i) Cr.PC is attracted. It is a trite law that in narcotics cases, the provision of section 103 Cr.PC are not applicable. And further, only on the basis of a tentative assessment of the material on record, bail applications are to be decided. Such exercise here indicates that not only the recovery is supported by the relevant document viz. memo of arrest and recovery, but also by the statements of prosecution witnesses u/s 161 Cr.PC.

6. Learned counsel for the applicant has also pleaded that complainant himself is the IO in this case and in one case, the Supreme Court, taking note

of such fact has acquitted the accused. However, we may say that in law there is no legal bar prohibiting complainant from investigating the narcotics case, unless it is shown that he has some interest or stake to falsely implicate the accused. In the final analysis, when the entire evidence is looked into, the Court may realize some bias on the part of the complainant/IO and grant the accused relief. But, at bail stage, when *prima facie* there are reasonable grounds to believe recovery of alleged heroin from the applicant, the said ratio *decidendi* is not applicable. Hence, we dismiss this bail application.

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.