ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail. Application No.942/2015

Date Order with signature of Judge

JUDGEMENT

Applicant : Muhamamd Qasim

Through Mr. Muhammad Qadir Khan,

Advocate.

Respondent : The State,

Mr. Habib Ahmed,

Special Prosecutor, ANF

Date of hearing : 06.11.2015

NAZAR AKBAR, J. This is second bail application. The accused / applicant is involved in an offence of trafficking 150 Kg of charas and 14 Kg of opium recovered from secret parts of vehicle Toyota Land Cruiser bearing Registration No.BC-7473. The accused were arrested on 26.1.2014 when he was coming from Balochistan to Karachi in the said vehicle.

The applicant's first bail application filed before the trial Court was dismissed on merits by order dated17.12.2014. He preferred bail application before this Court bearing Cr.Bail Application No.555/2015. The said application was also dismissed as counsel did not press the same on merits rather he preferred to claim bail on medical ground. Since medical ground was not taken before the trial Court, he was sent back. The applicant moved fresh bail application before the trial Court, which was also dismissed by order dated 03.7.2015 and now he has approached this Court for bail on medical ground, only.

It is vehemently argued by the learned counsel for the applicant that the condition of the applicant Muhammad Qasim is serious and suffering from acute heart disease. He has filed medical reports. This fact cannot be disputed that at the time of arrest the accused with huge quantity of contraband he had not taken the plea of heart problem and only for the last 3/4 months he is claiming that he is suffering from heart disease. He wants to release on bail for treatment.

Learned counsel for ANF has strongly opposed this bail application on the

sole ground that medical facility can be provided to the accused even without release

on bail. He has contended that sole ground of curable illness it is not sufficient to

release the accused/applicant involved in a heinous crime and keeping in view the

quantity of contraband recovered from him, he would definitely jumped the bail once

he is released on bail.

I have heard learned counsel and examined the documents filed with the

applications referring to the requirement of medical treatment. In the above

circumstances, at the first instance, it is ordered that the jail authorities are directed

to transfer the applicant/accused to the NICVD for his immediate medical treatment

as UTP. Since NICVD is one of the well-known hospital for heart disease. Even for

complicated heart problem, operation and treatment can be provided to him at the

State expenses at NICVD. However, the applicant is free to engage any doctor of his

choice at his own expenses for his treatment at NICVD and if there be any

impediment at administrative level in NICVD to allow the doctor from outside

NICVD, the Administration of NICVD is directed to relax that rule and allow doctor

of the choice of applicant to examine him. In case for whatever reason if at NICVD

are of the view after examination of the applicant that he should not be treated at the

NICVD on account of any complication they may submit such report within 30 days.

In view of the above observation, this bail application is adjourned to come

up after 30 days. This order may be sent immediately to the jail authorities and for

compliance.

JUDGE

Karachi Dated: