

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Cr. Bail Application No.1502 of 2018

-----  
DATE            ORDER WITH SIGNATURE(S) OF JUDGE(S)  
-----

For hearing of bail application \_\_\_\_\_

**23.04.2019**

Mr. Waqar Alam Abbasi, advocate for the applicant.  
Ms. Abida Parveen Channar, Spl. Prosecutor ANF.

-.-.-.-.-

1. Through instant bail application, applicant/accused seeks bail after arrest in **FIR No.07/2018**, under **Section 9(C)**, 14, 15 of CNS Act, **1997** registered at police station ANF, Clifton, Karachi. Earlier the applicant/accused approached the Special Court-II (C.N.S) Karachi for post arrest bail, which was declined vide order dated **11.10.2018**. Thereafter, the applicant approached this Court for grant of post arrest bail.

2. Brief facts of the prosecution case as per FIR are that on 16.03.2018 Complainant Zahid Ali Joya of PS ANF Clifton, Karachi recovered a carton from Pak International Goods Transport Company, Karachi at about 1530 hours alongwith other ANF staff which was booked by a person namely Asghar Aman containing 20 leather jackets and on checking from three leather jackets three polythene bags containing heroin powder weighing 3.200 Kgs recovered and subsequently when the accused Amar Aman went to Pak International Goods Transport Company, Karachi on 19.3.2018 alongwith original Bilty SI Zahid Ali Joya alongwith staff of ANF arrested him. Earlier FIR was lodged when recovery had effected.

3. Learned counsel for the applicant contended that recovery has not been effected from the direct possession or pointation of the accused and vehemently contended that it was in the natural course of business that a person who booked a parcel of jackets, how could he be guilty if anything other than the jacket is found in the parcel which was sent by another person from Rawalpindi. He vehemently denied that he is brother of the accused involved in the narcotics found in the jacket. The accused has been falsely involved in this case and the matter requires further inquiry into the guilt of the accused.

4. Learned Addl. P.G opposed this bail application on the ground that 3.200 Kgs heroin powder recovered from a carton which was booked by the Amar Aman by using the fake name of Asghar and the accused was arrested red handed while he had gone to receive the carton alongwith original Bilty because the consignee had not gone to receipt it and on the intention of his brother, accused went to take it, she prayed for dismissal of bail application.

5. I have heard the arguments and perused the record.

6. The only role of the accused / applicant is that he had a Bilty of the consignment coming from Rawalpindi to be delivered to him at Karachi. The booking clerk of Pak International Goods Transport Company informed the ANF before the applicant reaches to receive it and even FIR was lodged. As soon as he has come to collect the consignment, which according to the Prosecution was containing contraband 3.200 Kgs, he was arrested before handing over of the consignment to him.

7. According to learned Spl. Prosecutor of ANF the factual position is that he has only come with Bilty and the consignment was not handed over to him. A man has been arrested only because he is having a Bilty, in which the consignment was mentioned as leather jackets. Therefore, prima facie, it is a case of further inquiry that whether the accused / applicant himself was involved in the change of consignment from leather jackets into contraband items recovered in the said consignment by Prosecution before even disclosing to the applicant. The applicant / accused is already behind the bar since 14 months, and he is not required for investigation.

8. In view of the above, the applicant / accused is admitted to bail subject to furnishing solvent surety in the sum of **Rs.2,00,000/-** and P.R bond in the like amount to the satisfaction of the trial Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

JUDGE

SM