

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No. 769 of 2018

DATE ORDER WITH SIGNATURE OF JUDGE

FOR HEARING OF BAIL APPLICATION

Date of hearing : 27.08.2018
Date of order : 07.09.2018

Dr. Dur Muhammad Shah, advocate for the Applicant.
Ms. Rubina Qadir DPG.

ORDER

FAHIM AHMED SIDDIQUI, J:- This order will dispose of the afore-mentioned bail application, moved on behalf of the Applicant, who is facing trial before the Special Court-II (C.N.S.) Karachi in FIR No.10 of 2018, under Section 6/9-C of the Control of Narcotics Act, 1997 of Police Station Mehmoodabad, Karachi.

2. I have heard the arguments advanced by the learned counsel for the Applicant as well as learned Prosecutor and have gone through the relevant record and citations placed before me. From whatever argued and perused, I have observed as under:

- i) The Applicant was arrested by the raiding police party on a tip, but in spite of beforehand information, they did not try to associate a private witness to substantiate the arrest and recovery without any doubt.

- ii) After arrest, investigation was carried out and during investigation the witnesses, who are police officials, were examined by the Investigation Officer and statements of the witnesses under Section 161 Cr.P.C. were recorded. I have observed that there is contradictory views in their statements.

- iii) As per statement under Section 161 Cr.P.C. of the Complainant/ASIP Zulfiqar Ali, the shopper from which alleged the alleged narcotic was recovered of white colour. Contrary to above, the other prosecution witnesses have stated that the shopper from which the narcotic was recovered was of blue colour.
- iv) A plea of enmity has been taken by the learned counsel for the Applicant and when the same is considered in the backdrop of contradictory statements of the prosecution witnesses, such plea bears weight.

3. From the above observations, I am of the opinion that a case of bail has been made out, as such the Applicant is admitted to bail subject to furnishing surety in the sum of Rs.1,00,000/- (Rupees One Lac Only) and P.R. Bond in the like amount to the satisfaction of the trial Court through a short order dated 27.08.2018 and these are the reasons for the same.

4. It is further directed that if after getting bail, the applicants misused the same or became absconders then the trial Court would be empowered to take any action against the applicants and their surety including 'cancellation of bail' without making a reference to this Court.

J U D G E

