

*Order Sheet*  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Cri. Bail Application No. 1214 of 2021**

Date	Order with signature of Judge
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For hearing of bail application :

**02.11.2021 :**

Mr. Muhammad Hanif Noonari, advocate for the applicant / accused.  
Mr. Hussain Bakhsh Baloch, Addl. P.G.

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**NADEEM AKHTAR, J.** – Through this bail application under Section 497 Cr.P.C., the applicant / accused Mst. Aaarifa alias Madoo wife of Abdul Ghaffar seeks admission to post-arrest bail in Crime No.313/2021 registered against her on 10.06.2021 at P.S. Malir City Karachi under Sections 6 and 9(c) of The Control of Narcotic Substances Act, 1997. The applicant had filed Criminal Bail Application No.2504/2021, which was dismissed by the learned Sessions Judge Malir Karachi vide order dated 22.06.2021.

The main ground urged on behalf of the applicant for seeking post-arrest bail is that she has a suckling child and due to her confinement in the jail, she is unable to nurse her said suckling child. It is urged that this important ground was not considered or discussed by the learned Sessions Judge while declining the concession of bail to the applicant. In a similar situation, it was held by the Hon'ble Supreme Court in Zainab V/S The State, 2021 SCMR 799, the question of *hizanat* would also come under consideration for grant of bail in such cases ; and, the DNA test of the child was ordered to be carried out in order to ascertain her age and relationship with the accused, and the matter was ordered to be fixed immediately after submission of the report of the DNA test.

Accordingly, the SSP concerned is directed to ensure that the DNA test of the suckling child of the present applicant / accused is carried out immediately and the report of such test must be submitted before this Court on or before the next date of hearing. Let notice be issued to SSP concerned for compliance.

As per the progress report filed by the learned Addl. P.G., the charge was framed against the present applicant on 30.08.2021 and the matter is now fixed before the learned trial Court on 16.11.2021 for evidence. The learned trial Court is directed to conclude the trial expeditiously and to submit progress report on the next date of hearing. To be listed after four (04) weeks.

J U D G E