## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI Crl. Bail Application No. 80 of 2022

Date Order with signature of Judge

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For hearing of bail application

## 28th February 2022

Mr. Habib-ur-Rehman Marwat, advocate for the applicant

Mr. Talib Ali Memon, Asst. P.G. Sindh

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During patrolling, a police party headed by SIP Ghulam Hussain Bhatt of PS Ittehad Town, on suspicion, apprehended applicant and recovered two packets of charas weighing 2400 grams.

- 2. Heard. Record perused.
- 3. Record reflects that the applicant was apprehended with 2400 grams of charas, which prima facie, connects the applicant with the commission of offence and brings the case of the applicant within the prohibition as contained under Section 51 of the C.N.S Act, 1997. With regard to false implication of the applicant, it cannot be decided at bail stage, as it is well settled that only tentative assessment is to be undertaken while deciding bail application and no deeper appreciation is required. In the case reported as **Noor Khan vs. The State (2021 SCMR 1212)**, the Honourable Supreme Court refused bail in a case where 1320 grams of cannabis were recovered from the possession of the accused. The relevant paragraph is reproduced as under:
  - "3. Red-handed with seizure of considerable quantity of the contraband squarely brings petitioner's case within the remit of 'Prohibition, contemplated by section 51 of the Control of Narcotic Substances Act, 1997; his claim of false implication is an issue that cannot be attended without going beyond the barriers of tentative assessment, an exercise prohibited by law. On our own analysis of the record, view concurrently taken by the courts below is not open to any legitimate exception."
- 4. Accordingly, the bail plea is hereby dismissed with direction to the trial court to conclude the trial within one month.
- 5. Needless to mention that the above observations are purely tentative in nature and would not prejudice to the merits of case.