

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1152 of 2021

Applicant : Mst. Bakhtawar @ Bebo W/o Jameel
Ahmed
Through Malik Muhammad Tariq
Advocate

Respondent : The State
Through Mr. Talib Ali Memon,
Assistant Prosecutor General, Sindh

Date of hearing : 06.07.2021

Date of order : 06.07.2021

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.186/2021 for the offence under Sections 6/9-C CNS Act, 1997 registered at PS Malir City, after his bail plea has been declined by the learned 3rd Additional Sessions Judge, Malir, Karachi vide order dated 06.05.2021.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that nothing was recovered from the possession of the applicant/accused; that prior to this, an application was submitted by the applicant/accused to the IG, Sindh so also filed a Constitution Petition before this Court against police officials. He lastly prays for post-arrest bail to the applicant/accused.

4. On the other hand, learned DPG has vehemently opposed for grant of bail on the ground that huge quantity has been recovered from the applicant/accused; that the

applicant/accused is involved in similar nature of cases, therefore, she is not entitled for concession of post-arrest bail.

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. From the face of FIR, it appears that on spy information, complainant SHO Ch. Muhammad Aslam arrested the present applicant/accused and recovered 4030 gram charras from her possession and her husband was also arrested and from his possession, 2030 gram charras was recovered. The entire quantity of narcotics was sent to the Chemical Analyst, which reports received as Positive as the said narcotics was found as charras. No enmity, ill-will or grudge was alleged against the prosecution witnesses. On the contrary, sufficient material is available on record which connects the applicant/accused with the alleged offence. Further, from perusal of record it reveals that the applicant/accused is involved in number of cases of similar nature. The reliance is placed in the case of **Shameel Ahmed vs. The State (2009 SCMR 174)**, wherein Hon'ble Supreme Court of Pakistan has held that:

“4.....Petitioner who was involved in three previous cases of similar kind was prima facie found to be a habitual offender of issuing cheques and defrauding the people. Entering into a compromise, getting acquittal in one case and bail order having been issued in the third case, cannot be simply ignored at the time of grant of bail, because all these go to the root of the case.”

7. In view of above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail. Accordingly, the instant Bail Application is **dismissed**. However, learned trial Court is directed to expedite the matter and conclude the same within a period of three (03) months and submit such report to this Court through MIT-II.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE