

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.663 of 2022**

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*Date* *Order with signature of Judge*

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1. For orders on office objection.
2. For hearing of Bail Application.

**07.07.2022**

Mr. Inayat Ali Mirza, Advocate for the Applicant.  
Ms. Seema Zaidi, Addl. Prosecutor General, Sindh along with SIP  
Farman Ali of P.S SSHIA, Karachi.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this bail application, Applicant Babar Nadeem seeks his release on post arrest bail in Crime No.979/2021 of P.S SSHIA, Karachi, under Section 6/9-C CNS Act, 1997. The applicant preferred his bail plea before the trial Court, which by means of order dated 21.02.2022 was declined; hence, this bail application.

Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with Court file, therefore, there is no need to reproduce the same.

Learned counsel for the applicant submits that about a year has passed; however, the prosecution has failed to procure its witnesses before the trial Court, therefore, no progress has been effected in this case. Consequently, the applicant is languishing in jail without progress in his trial. He further submits that quantity of alleged contraband is not huge one and the case against applicant is of border line, therefore, he deserves concession of bail. As far as, recovery is concerned, learned counsel submits that nothing was recovered from his possession; however, the police in order to show their efficiency have foisted it upon the applicant; hence, that allegation is yet to be determined by the trial Court after recording evidence of the parties. Learned counsel has also drawn attention of the Court towards order dated 21.02.2022 passed by the trial Court which reveals that applicant had contracted Court marriage with Mst. Sana Bibi on 15.04.2020 and due to such reasons, family of Mst. Sana Bibi in collusion with police

had cooked up this false case against the applicant, therefore, accusation against him requires further inquiry.

Learned Addl. P.G, Sindh appearing for the State opposes the bail application on the ground that 1240 grams of Charas has been shown to have been recovered from his possession in odd hours of the night, therefore, he is not entitled for concession of bail.

**Heard arguments, record perused.** Admittedly, the applicant as shown under the FIR was arrested on 13.07.2021 and as claimed the charge against him has also been framed by the trial Court; however, not a single witness has been examined. The plea taken by the applicant to the effect he had contracted Court marriage with Mst. Sana Bibi, which annoyed family of that lady, therefore, he had been booked in this case, carries weight. As in view of such claim, accusation against applicant is yet to be established by the prosecution after recording evidence of the prosecution witnesses. As far as this bail application is concerned, in view of above factual position, case against applicant requires further inquiry within the meaning of subsection 2 to Section 497 Cr.P.C. Consequently, instant bail application is hereby allowed. Applicant **Babar Nadeem son of Abdul Jabbar**, shall be released on bail subject to furnishing his solvent surety in the sum of Rs.100,000/- (Rupees One Lac Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

It need not to iterate that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, the learned trial Court may proceed against the Applicant, if he will be found misusing the concession of bail.

This Criminal Bail Application is disposed of in the terms indicated above.

**JUDGE**

Zulfiqar/P.A