

IN THE HIGH COURT OF SINDH AT KARACHI**Cr. Bail Application No. 335 of 2018****Muhammad Raees S/o Abdul Rasheed** **Applicant****Versus****The State** **Respondent**

Ms. Zainab Khan, Advocate for Applicant.

Mr. Zahoor Shah, DPG for State.

ORDER

Omar Sial, J: Mohammad Raees has sought post arrest bail in crime number 202 of 2017 registered against him under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997 at the New Town police station in Karachi. Earlier, his post arrest bail application was declined by the learned Special Court No. II for Control of Narcotic Substances in Karachi on 29-11-2017.

2. Brief facts of the prosecution case as contained in the F.I.R. are that the applicant was arrested on 8-9-2017 by A.S.I. Kashif Hussain from a service road while he (the applicant) was carrying 1140 grams of charas in a plastic shopping bag as well as a pistol.

3. I have heard the learned counsel for the applicant as well as the learned D.P.G. and have also examined the record available with their assistance. My observations are as follows:

(i) It appears that the learned trial court dismissed the bail application of the applicant primarily on the ground that the applicant had been previously convicted in crime number 141 of 2014 registered under sections 6 and 9(a) of the CNS Act, 1997.

(ii) The case of the applicant falls on the border line of section 9(b) and 9(c) of the CNS Act, 1997. The exact quantity of charas that was recovered will have to be determined at trial. As regards the previous conviction of the applicant, it is yet to be seen whether the prosecution intends to rely on the previous conviction and the charge framed accordingly, as is required by section 221 Cr.P.C.

4. Above are the reasons for the short order dated 23-4-2018 in terms of which the applicant was admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 50,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE