

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2053 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

11-01-2023

Mr. Sultan Mehmood, Advocate for applicant.
Ms. Abida Parveen Channer, Special Prosecutor, ANF.

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Omar Sial, J.: Adnan Shahzad has sought post arrest bail in crime number 61 of 2022 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997 at the ANF, Korangi, police station. Earlier, his application seeking bail, was dismissed by the learned Incharge Judge, Special Court No. I, (C.N.S.), Karachi on 8-9-2022.

2. Facts of the case are that the aforementioned F.I.R. was lodged by Sub Inspector Rashid Ali on 26-7-2022 reporting an incident that had occurred earlier that day. He recorded that ANF received information from the Jinnah Airport of a suspicious passenger scheduled to board an Emirates Airlines flight to Bahrain, who may be carrying narcotics. An ANF team led by S.I. Rashid Ali reached the airport and checked the passenger (who was the applicant) and from the trolley bag he carried, 2.030 kgs of methamphetamine was recovered. 10 grams were taken as a sample from the total amount of narcotics for the purpose of chemical analysis.

3. Learned counsel has argued that the challan in the case was filed with a delay; the boarding card of the applicant was not produced; the sample of the allegedly recovered narcotics was sent for analysis before the registration of the case and lastly, that the sketch of the place of incident does not show where the applicant was placed. To the contrary, the learned Special Prosecutor ANF has supported the impugned order.

4. I have heard the learned counsel for the applicant as well as the learned Special Prosecutor, ANF. My observations and findings are as follows.

5. The learned counsel argued that the challan has been filed with a delay and further stated that the Honorable Supreme Court of Pakistan has held that in case a challan is filed after the period mandated in the Code, an accused should be granted bail. He however expressed his inability to cite any such judgment. It appears at this stage that the argument of the absence of a boarding card also carries little weight as the applicant was apprehended prior to check-in. Similarly it seems that the learned counsel has erred on his argument that the seized narcotics was sent for analysis prior to the registration of the case. The documentation on record presents a different picture. Whether or not an accurate sketch of the place of incident was made is also hardly a ground which qualifies the applicant to grant of bail keeping especially in view of the fact that the applicant faces a potential capital punishment for being in possession of the quantity of narcotics allegedly recovered from him.

6. Upon a tentative assessment it appears that the applicant was apprehended red handed while being in possession of a substantially large quantity of a substance opined by the Laboratory vide its report dated 12.08.2022 to be methamphetamine, a prohibited narcotic under the CNS Act, 1997, which he was trying to smuggle out of Pakistan. No ill-will or malafide of ANF has been argued or as a matter of fact is borne out from the record which would motivate the ANF to file a false case against the applicant.

7. No ground for the grant of bail having been made out, the bail application is dismissed.

JUDGE

