

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 1968 of 2021

Cr. Bail Application No. 1969 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

6th December, 2021

Mr. Muhammad Hafeez Sandhu, Advocate for applicants.

Mr. Abrar Ali Khichi, Addl.P.G. a/w ASI Sajid Hussain, I.O.

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Omar Sial, J.: Abdul Majeed (Criminal Bail Application No. 1968 of 2021) and Abdul Ghafoor (Criminal Bail Application No. 1969 of 2021) have both sought post arrest bail in crime numbers 46 and 47 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997 at the Airport police station. Earlier, their applications seeking bail were dismissed by the learned 1st Additional Sessions Judge, Malir on 1-10-2021. As both bail applications emanate from the same crime, both will be disposed of by this common order.

2. A background to the case is that the aforementioned F.I.Rs. were lodged on 28-2-2021 on the information provided by S.I. Sajid Hussain. He recorded that a police party led by him was on normal patrol duty when it received information that some men were selling charas outside a house. The police party reached the identified spot and arrested the two applicants. 1300 grams of charas was recovered from Abdul Majeed whereas 1500 grams was recovered from Abdul Ghafoor.

3. I have heard the learned counsel for the applicants as well as the learned Additional Prosecutor General. My observations and findings are as follows.

4. The only ground urged by the learned counsel for the applicants is that the quantity of charas recovered from each applicant makes it a borderline case between section 9(c) and section 9(b) of the CNS Act, 1997. He argued that as a sentence under section 9(b) falls within the non-prohibitory clause of section 497 Cr.P.C., and therefore bail may be granted. With much respect to the learned counsel, I am unable to agree with his proposition. The applicants are said to have been arrested red handed in the possession of a substantial quantity of

charas. The entire seizure was sent to the chemical analyst for examination within 72 hours and the analyst has issued his report opining that the seized material was indeed charas – a narcotic, inter alia, the possession of which is prohibited. The report further reflects that the seized charas weighed more than one kilogram and thus possession carries a potential capital sentence. No malafide on the part of the complainant has been argued nor upon a tentative assessment is any reflected from the record.

5. The impugned order is a well reasoned one and no interference is merited. Both bail applications therefore stand dismissed.

JUDGE