

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2074 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

8th December, 2021

Syed Lal Hussain Shah, Advocate for applicant.
Mr. Muntazir Mehdi, DPG.

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Omar Sial, J: Danish Hussain alias Kubra has sought post arrest bail in crime number 484 of 2021 registered under sections 6 and 9(c) of the CNS Act, 1997 at the New Karachi police station. Earlier, his application seeking bail was dismissed on 20-9-2021 by the learned 7th Additional Sessions Judge, Karachi Central.

2. Facts of the case are that a police party led by S.I. Imdad Ali Abbasi was on normal patrol duty on 12-6-2021 when it received information that a hunch backed person who runs a pan/cigarette cabin is waiting for a rickshaw and that he has in his possession of charas, crystal meth and gutka/mawa. The police party reached the identified spot and arrested the person who happened to be the applicant. 1020 grams of charas, 180 grams of crystal meth and a number of packets of gutka/supari/mawa were recovered from his possession. Three different F.I.R.'s were lodged against him. Apart from the current F.I.R, F.I.R. No. 485 of 2021 under section 6 and 9(b) was lodged for the possession of crystal meth and F.I.R. No. 486 of 2021 was lodged for possessing gutka/mawa.

3. I have heard the learned counsel for the applicant and the learned Deputy Prosecutor General.

4. The learned counsel for the applicant has argued that the applicant runs a pan shop and the only reason he has been implicated in this case is due to the fact that he would not give free cigarettes, pan etc. to the police officers. This assertion of the learned counsel in light of the contents of the F.I.R., may very well be true. In a number of cases it has been seen that courts are inclined to grant bail when the quantity of charas seized is slightly above the one kilogram benchmark. The applicant has been admitted to post arrest bail in the other F.I.Rs

i.e. No. 485 and 486 of 2021. His admission to bail in the other cases in which he was simultaneously charged tilts the balance for grant of bail in his favour. The case was registered in the month of June however the chemical analysis report is not on file till the hearing of this bail application. One reason that prevailed upon the learned trial court to dismiss the bail of the applicant was that he has a crime record. It has however been represented before me by the investigating officer of the case that the applicant has no previous crime record and that the only case registered against his name is the present one. Looking at all the facts holistically and on balance I am of the view that further inquiry is needed to establish the nexus of the applicant with the offence he is charged for.

5. The applicant is admitted to 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