

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

**Cr. Bail Application No. 1608 of 2021**

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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For hearing of bail application.

**23<sup>rd</sup> November, 2021**

Mr. Muhammad Iqbal, Advocate for applicant.

Mr. Abrar Ali Khichi, Addl.P.G.

Lady PI Shama, Women P.S. is present.

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Omar Sial, J: Naz Bibi has sought post arrest bail in crime number 35 of 2021 registered under sections 6 and 9(c) of the CNS Act, 1997 at the Women South police station in Karachi. Earlier, her application seeking bail was dismissed on 11.8.2021 by the learned 1<sup>st</sup> Additional Sessions Judge, Karachi South.

2. Facts of the case are that a police party led by S.I. Hina Mughal was on patrol duty when it received spy information that a woman along with three children was standing near a restaurant with the intention of selling charas. The police party reached the identified spot and arrested the applicant along with two packets that contained an aggregate of 2470 grams charas.

3. Learned counsel for the applicant has argued that the applicant is innocent; that section 103 Cr.P.C. was not complied with and that there is video recording that the applicant was at some other place when she is said to have been arrested.

4. I have heard the learned counsel for the applicant as well as the learned Additional Prosecutor General. My observations are as follows.

5. Whether the applicant is innocent or not will have to be determined at trial. Section 25 of the CNS Act 1997 excludes the operation of section 103 Cr.P.C. The argument regarding alibi requires a deeper appreciation of evidence. None of the grounds therefore urged by the learned counsel entitles the applicant to be admitted to a bail in a case that carries a potential capital punishment. Prima facie it appears that the applicant was arrested red-handed with a sizeable quantity of charas. The chemical analysis supports the fact that the recovered

substance was charas. The police party did not have any malafide, nor has it been argued by the learned counsel, to falsely implicate the applicant in this case.

6. In view of the above, the application is dismissed.

JUDGE