ORDER SHEET

IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2132 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

January, 2022

Mr. Ashraf Ali Shah, Advocate for applicant.
Ms. Rahat Ahsan, DPG.

=============

<u>Omar Sial, J</u>: Arman Baloch has sought post arrest bail in crime number 873 of 2021 registered under sections 6 and 9(c) of the CNS Act, 1997 at the Mominabad police station. Earlier, his application seeking bail was dismissed by the learned 1st Additional Sessions Judge, Karachi West on 9-10-2021.

2.   A background to the case is that the aforementioned F.I.R. was registered on 3-10-2021 on the complaint of S.I. Muhammad Bachal Gopang. He reported that a police party led by him was on normal patrol duty when he received information that a suspicious man was sitting on a motor-cycle. The police party reached the place identified by the informer, saw the suspicious man, questioned him and upon search of his body, 320 grams of methamphetamine was recovered.

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

4.   It is an admitted position that even after two months of the incident there is no report from the chemical analyser that the seized material was indeed methamphetamine. In fact the seized material was not sent for analysis till very recently and it appears from what I have been told by the investigating officer that issuance of a report is also not imminent. Non-payment of testing charges is the reason assigned for the delay. A person is languishing in jail on a charge of possessing a narcotic whereas the prosecution to date is not even in possession of any expert report opining that the material seized is indeed a narcotic. The delay in sending the sample for analysis is inordinate and shocking. Deprivation of the liberty of a person cannot be allowed on the ground of administrative failures of the prosecution.

5. Above are the reasons for the short order of 20-12-2021.

JUDGE