

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2282 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES
<u>For hearing of bail application.</u>	
<u>24th December, 2021</u>	<p style="text-align: center;">Mr. Mehmood Habibullah, Advocate for applicant. Ms. Rahat Ahsan, DPG a/w SIP Syed Ahsan, P.S. Orangi Town. =====</p>
	<p>Omar Sial, J: Ghulam Haider has sought post arrest bail in crime number 1281 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act 1997 at the Orangi Town police station. Earlier, his application seeking bail was dismissed by the learned 1st. Additional Sessions Judge, Karachi West, on 18.11.2021.</p> <p>2. Facts of the case are that the aforementioned F.I.R. was lodged by A.S.I Sozal Khan Bhatti on 7-11-2021 reporting an incident that had occurred earlier that day. He recorded that a police party led by him was on normal patrol duty when it stopped a suspicious motorcycle which was being driven by the applicant. He was searched and 35 g heroin, 10 g ice and 15 g crystal were recovered from his possession.</p> <p>3. I have heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General. My observations are as follows.</p> <p>4. The applicant is an aged man ostensibly suffering from cancer. It appears that he may be an addict and thus a victim of the drug trade. The recovered heroin was sent for analysis and was found to be 23 grams of heroin. Even after the passing of nearly one month, there is no chemical report to certify that the remaining substance recovered was indeed crystal meth. At the moment the quantity of heroin that the applicant possessed carries a potential sentence of two years and thus falls within the non-prohibitory clause of section 497 Cr.P.C.</p> <p>5. For the foregoing reasons the applicant is admitted to bail subject to his furnishing a solvent surety in the sum of Rs. 30,000 to the satisfaction of the learned trial court.</p> <p style="text-align: right;">JUDGE</p>