

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

Cr. Bail Application No. 1673 of 2021

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
-------------	---------------------------------------

For hearing of bail application.

**25<sup>th</sup> November, 2021**

Ms. Sadia Khatoon, Advocate for applicant.  
Mr. Abrar Ali Khichi, Addl.P.G.

=====

Omar Sial, J: Zubair Ahmed has sought post arrest bail in crime number 570 of 2021 registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997. Earlier, his application seeking bail was dismissed by the learned 1<sup>st</sup> Additional Sessions Judge, Malir on 26-7-2021.

2. Facts of the case are that the aforementioned F.I.R. was registered on 13.7.2021 by S.I. Javed Arain. 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 2020 grams of charas was recovered from his possession.

3. Learned counsel for the applicant has argued that the applicant has been falsely involved in the case and the seized narcotics foisted upon him. She further submitted that the relatives of the applicant have sworn affidavits that he is innocent and that in fact he was only travelling from Quetta to Karachi when the police stopped him and sought a bribe from him. When the applicant declined to accede to the unlawful demand this false case was registered against him. She further argued that the F.I.R. does not disclose how much of the charas was sent for chemical analysis and that section 103 Cr.P.C. was not complied with.

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

5. Upon a tentative assessment, there appears to be no evidence on record, or as a matter of fact, any cogent reason as to why the police would falsely implicate the applicant in a false case and foist a substantial quantity of charas on him. The authenticity of the affidavits sworn by the relatives of the applicant will

have to be determined at trial when the applicant produces the said relatives as witnesses. Section 25 of the CNS Act 1997 excludes the operation of section 103 Cr.P.C. in cases falling within the ambit of the legislation. The record reflects that the entire property was sent for chemical analysis the very next day after its seizure and the chemical analyst has opined that the seized substance is charas – a narcotic, the possession of which, inter alia, is prohibited under the CNS Act 1997. Prima facie the applicant was caught red handed with a sizeable amount of charas, the possession of which carries a potential capital punishment.

6. In view of the above, the learned counsel has failed to make out a ground for the grant of bail. The application is thus dismissed.

JUDGE