

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1718 of 2022

Applicants : 1. Ilyas Khan S/o Nauroz Khan
2. Usman Ali S/o Hazrat Ullah
Through Mr. Javed Ahmed Qazi, Advocate

Respondent : The State
Through Ms. Abida Parveen Channar
Special Prosecutor ANF

Date of hearing : 03.01.2023

Date of order : 03.01.2023

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicants/accused seek post-arrest bail in Crime No.22/2022 registered under Sections 6/9-C CNS Act, 1997 of PS ANF Gulshan-e-Iqbal, Karachi, after his bail plea has been declined by the learned Incharge Judge, Special Court No.1 (C.N.S.), Karachi vide order dated 05.08.2022.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel, applicants/accused are innocent and have falsely been implicated in this case by the complainant with malafide intention and ulterior motives; that I.O. and the complainant is same person which shows personal ill-will of the complainant with the applicants/accused; that the recovery was made from the applicants/accused on spy information but ANF failed to cited any private witness; that there is a grave violation of Section 103 Cr.P.C.; that the applicants/accused are no more required for investigation. He lastly prays for grant of bail to the applicants/accused.

4. On the other hand, learned Special Prosecutor ANF DPG has vehemently opposed for grant of bail on the ground that huge quantity is recovered from the applicant/accused; that there is no

enmity between the complainant and the applicants/accused, therefore, they are not entitled for concession of bail.

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. Admittedly, as per FIR 29 kilograms narcotics was jointly recovered from the applicants/accused when they were going to bus terminal super highway. Since the huge quantity of narcotics has been recovered from the possession of applicants/accused; therefore, prima facie, sufficient material is available on record to connect the applicant/accused with the alleged offence.

7. The assertion/claim of learned counsel for the applicant with reference to alleged violation of section 103 Cr.P.C. seems to be erroneous and misconceive under section 25 of CNS Act, 1997 as Section 103, Cr.P.C. has been excluded under the provisions of Section 25 of CNS Act, 1997 in view of case laws reported in **(2001 SCMR 36) Fida Jan vs. The State and (2008 SCMR 1254) Zafar v. The State.**

8. In view of above, learned counsel for the applicants has failed to make out a case for grant of post-arrest bail. Accordingly, the instant Bail Application is **dismissed**. However, learned trial Court is directed to expedite the case and conclude the same within sixty days from the date of receipt of this order.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Kamran/PA