

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 408 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

16-03-2023

M/s. M. Afzal Roshan and Anjum Godal, Advocates for applicant.
Mr. Talib Ali Memon, A.P.G.

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Omar Sial, J: Mohammad Iqbal was arrested on 14.12.2022 by the S.I. Muzammil Shah while he was in possession of 300 grams of methamphetamine. F.I.R. No. 388 of 2022 was registered under sections 6 of the CNS Act, 1997 read with section 9(2)(d) of the Act amended by the Sindh legislation.

2. Apart from the fact that the legislative competency of the Sindh legislature to amend a Federal Act has not been explained to me, the learned counsel has prayed that the applicant be admitted to bail on medical grounds. The photographs on record show a horrific state of the applicant in jail. While there was no doubt in my mind that the photos are genuine ones and what they depict in itself is sufficient to consider admitting the applicant to bail on medical grounds, as a precaution a report on the condition of the applicant was also called for from the District Prison, Malir. The Superintendent vide his report dated 16.03.2023 has reported that the applicant is in need of plastic surgery and that as it is a "delicate procedure" it is not possible to provide the applicant treatment within the prison. The Chief Medical Officer has opined that the applicant requires proper investigation/management and hospitalization otherwise his condition will deteriorate day by day.

3. In view of the above situation, the applicant is admitted to bail solely on medical grounds subject to him furnishing a solvent surety in the sum of Rs. 200,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE