

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 578 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

18-04-2023

Mr. Muhammad Kamran Baloch, Advocate for applicants.
Mr. Faheem Husain Panhwar, Addl.P.G. a/w SIP Rashid Mughal P.S.
Mochko.

=====

Omar Sial, J: Jamzadi, Samina and Sanam have sought post arrest bail in crime number 5 of 2023 registered under sections 6 and 9(c) of the CNS Act, 1997 at the Mochko police station in Karachi. Earlier, their application seeking bail was dismissed by the learned 1st Additional Sessions Judge, Karachi West on 28.02.2023.

2. A background to the case is that a family consisting of 2 men, 3 women and 3 children were stopped and searched by a police party of the Mochko police station on 11.01.2023. It is alleged that 2.4 kgs of charas was found in the possession of each adult member of the group.

3. I have heard the learned counsel for the applicants and the learned Addl.P.G. My observations and findings are as follows.

4. The 3 applicants are all illiterate and poor women. Samina and Sanam have 2 minor children each. Samina's children are 1 and 6 years old whereas Sanam's children are 3 and 5 years each. All are in jail with their respective mothers. At this preliminary stage I find it rather unnatural that each of the group member was holding a black shopping bag and each had 2.4 kgs of charas on them. Apart from the minor children and the fact that the applicants are all women, it is also yet to be seen whether they were in conscious possession of the narcotics or whether the male members of their family simply handed over parcels to them that they were carrying. The police having spread out the total quantity of charas recovered so as to attribute equal quantities to all cannot conclusively be ruled out at this

stage. No purpose will be served keeping the women and children in jail. They are incapable of tampering with evidence nor does it appear that the crime will be repeated, given that the male members of the family are in jail at the moment. The applicants are surely not a flight risk.

5. Above are the reasons for the short order dated 13-4-2023 in terms of which the 3 applicants were admitted to bail subject to their furnishing solvent sureties in the sum of Rs. 200,000 each and P.R. Bonds in the like amount subject to the satisfaction of the learned trial court.

JUDGE