

# THE HIGH COURT OF SINDH, KARACHI

## Criminal Bail Application No. 555 of 2023

### For hearing of Bail Application.

Applicants/Accused : Shah Adil son of Muhammad Tahir and Aqib Ali son of Akhter Ali through Mr. Mallag Assa Dashti, Advocate.

Complainant/State : Through Ms. Abida Parveen Channar, Prosecutor General ANF alongwith Inspector Anjum Shakeel, P.S. ANF.

Date of hearing : 18-04-2023

Date of order : 18-04-2023

*FIR No. 08/2023  
U/s: 9(2) 5 CNSA  
P.S. ANF Clifton.*

## ORDER

**Adnan Iqbal Chaudhry J.** - The Applicant/Accused seeks post-arrest bail in the aforesaid crime after the same had been declined by the Special Court-II, CNS, Karachi, by order dated 08-03-2023.

2. As per the FIR, the police on receiving a tip off, constituted a raiding party and stationed themselves outside the Girls College, Nazimabad, Karachi, on 15-02-2023; that around 07:00 a.m, the Applicants on a motorcycle were seen waiting in front of the Girls College; that on the pointation of the spy, the Applicants were apprehended and from each of them was recovered 500 grams of methamphetamine (ice) in a plastic packing wrapped with yellow tape; that 10 grams was taken as sample from each packet for chemical examination and the remaining was sealed.

3. Learned counsel for the Applicants submits that the Applicants were in fact picked up on 13-02-2023 and the substance was foisted on them when they refused to oblige the police. On the other hand, learned Special Prosecutor ANF opposes the grant of bail submitting that the Applicants were apprehended with a psychotropic substance outside a College and therefore liable to the maximum punishment.

Heard the learned counsel, the Special Prosecutor ANF and perused the record.

4. Alongwith bail application, the Applicants have filed a copy of report made by one of the parents of the Applicants to the P.S. on 14-02-2023; that both of them, being friends, had left their house on a motorcycle on 13-02-2023, had since not returned. The report bears the receiving stamp of the P.S. dated 14-02-2023; whereas the FIR and the arrest of the Applicants is dated 15-02-2023 one day after. Therefore, the allegation that the substance was foisted on the Applicants cannot be ruled out at this stage. The maximum punishment prescribed for the offence, which falls under section 9(2) at Serial 4 of the Table, is 5 years imprisonment alongwith fine, which does not fall within the prohibitory clause of section 51 of the CNS Act, 1997. The Applicants are College going students. They do not have a prior criminal record. Investigation is also complete. Therefore, to keep them behind bars serves no purpose when it is not being alleged that they are a flight risk.

5. For the foregoing reasons, the Applicants are granted bail subject to furnishing solvent surety in the sum of **Rs. 500,000/- [Rupees Five Hundred Thousand Only]** each alongwith P.R. Bond in like amount to the satisfaction of the Nazir of this Court.

Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

SHABAN\*

JUDGE