

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 2490 of 2022

For hearing of Bail Application.

Applicants/ Accused : Aqeel son of Abdul Ghani and Ahmed son of Ramzan through Mr. Imtiaz Ali Shah, Advocate.

Complainant/State : Through Ms. Rahat Ehsan, Additional Prosecutor General Sindh.

Date of hearing : 03-04-2023

Date of order : 03-04-2023

*FIR No. 376/2022
U/s:9-C of CNSA, 2022
P.S. Kalari, Karachi.*

ORDER

Adnan Iqbal Chaudhry J. - The Applicants/ Accused seek post-arrest bail in the aforesaid crime after the same was declined by the District and Sessions Judge, Karachi (South) by order dated 15-12-2022.

2. Per the FIR, the Applicants were stopped around 02:30 hours on 01-12-2022 during police patrol on suspicion of carrying narcotics; a search of the Applicant Aqeel resulted in recovery of 3930 grams charas in four packets; while a search of the Applicant Ahmed resulted in recovery of 1970 grams of charas in two packets, which were sealed on the spot. Apparently, the entire quantity recovered from the Applicants was dispatched to the Chemical Examiner the very next day where the net-weight of the substance was found as 3918 and 1964 grams respectively. As per the chemical report, the substance tested positive for charas.

3. No enmity is alleged between the Applicants and the police who made the recovery. The seized charas was promptly sent to the Chemical Examiner. Given said quantity and the fact that the entire quantity was sent for Chemical Examination, makes the ground of foisting difficult to believe. For the quantity recovered, the punishment prescribed may extend to 14 years. The submission of learned counsel that the search was not in accord with section 103

Cr.P.C. does not have any force in view of section 25 of the CNS Act, 1997. Therefore, the Applicants do not have a fit case for bail. The bail application is dismissed.

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