

IN THE HIGH COURT OF SINDH KARACHI

CR. BAIL APPLICATION NO. 2134 OF 2023

Applicant : Nasir Ali,
through Mr. Muhammad Hanif
Advocate along with Ms. Zainab
Saleem Advocate

Respondent : The State
through Mr. Talib Ali Memon,
Assistant Prosecutor General
Sindh

Date of hearing : 17th October 2023

ORDER

Omar Sial, J. Nasir Ali has sought post-arrest bail in crime number 603 of 2023, registered under sections 6 and 9(i)(6)(a) of the CNS Act, 1997. The learned 6th Judicial Magistrate, Karachi Malir, dismissed his earlier bail application vide order dated 01.08.2023. Thereafter the learned 1st Additional Sessions Judge Malir also dismissed his bail application vide order dated 28.08.2023.

2. Nasir Ali was caught with 4 grams of heroin in his possession. Punishment for possessing such a quantity is up to 7 years and although not bailable falls within the non-prohibitory clause of section 497 Cr.P.C. In light of the principle enunciated in the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34) I do not see any exceptional or extraordinary ground to deny the applicant bail. Upon a tentative assessment, it appears that the applicant is an unfortunate drug addict and thus a victim of the evil of drugs. What he requires is rehabilitation rather than incarceration. Unfortunately, the State has completely failed to provide rehabilitation facilities to such victims of the drug trade.

3. Given the above, the applicant is admitted to bail subject to his furnishing a solvent surety in the sum of Rs. 20,000 (Twenty Thousand Only) and a P.R. Bond in the like amount to the satisfaction of the trial court.

JUDGE