

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 2037 of 2023

Applicant : Ameer Hamza
through Syed Mukhtar Hussain, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of short order : 19th October, 2023

Date of reasons : 25th October, 2023

ORDER

Omar Sial, J: Ameer Hamza has sought post-arrest bail in crime number 494 of 2023, registered under sections 6 and 9(1)(3)(c) of the Control of Narcotic Substances Act, 1997, at the Khawaja Ajmer Nagri police station. Earlier on 31.08.2023, the learned 5th Additional Sessions Judge, Karachi Central, dismissed the applicant's prayer to admit him to bail.

2. The applicant was apprehended on 01.08.2023 with allegedly 1030 grams of charas in his possession.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General.

4. A tentative assessment of the record reflects that there is a possibility of the applicant having been wrongly nominated in the case due to the malafide of a police officer by the name of Asad. The applicant appears to have evidence that Asad had summoned the applicant to the police station, the conversation of which has been recorded, and two witnesses have sworn affidavits regarding the authenticity of the same. The issue, according to the applicant's counsel, was the non-payment of *Bhatta* to Asad. A snap of the log of Asad's calls has also been put on record. The truth of the matter will be unearthed at trial after the learned trial court has reviewed the evidence produced; however, I am inclined to give the applicant the benefit of the doubt at this initial stage.

5. There is a possibility at the moment that the net weight of the charas allegedly recovered from the applicant is below 1000 grams; thus, the punishment for it would fall within the non-prohibitory clause of section 497 Cr.P.C. The foregoing, as well as apparent police malafide, are the reasons for my short order dated 19.10.2023.

JUDGE