

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2487 of 2023**

Applicants : Abdul Raheem @ Langra and Muhammad Rafiq
through Mr. Muhammad Aslam Shar, Advocate

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

Date of hearing : 20th November, 2023

ORDER

Omar Sial, J: Abdul Raheem alias Langra and Mohammad Rafiq have sought post arrest bail in crime number 1185 of 2023 registered under section 9(1)(3)(c) of the CNS Act, 1997 at the Zaman Town police station. His earlier bail plea was dismissed on 21.10.2023 by the learned 5th Additional Sessions Judge, Karachi East.

2. A police party led by S.I. Azhar Khan apprehended the applicants on spy information. When they were searched, 2540 grams of charas were recovered from Abdul Raheem's possession while Mohammad Rafiq had 2090 grams of charas on him. Both were arrested.

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

4. Learned counsel has argued that the charas has been foisted upon the applicants; that in reality the applicants were picked up by the Rangers and after the Rangers were through with them, they handed them over to the local police who registered this false case. Counsel further argued that no purchaser of the charas was identified and that section 103 Cr.P.C. was not complied with. Learned Additional Prosecutor General supported the impugned order.

5. Whether or not the charas was foisted and whether or not the Rangers had picked up the applicants earlier are issues which require evidence at trial. At the moment, both are unsubstantiated assertions. Section 25 of the CNS Act, 1997 excludes the applicability of section 103 Cr.P.C. The CNS Act, 1997 makes mere possession of a narcotic or psychotropic substance an offence hence is not dependant on trading to constitute an offence. Prima facie it appears that the applicants were apprehended red handed with a sizeable quantity of charas, exposing them to a potential imprisonment of nine to fourteen years. No malafide on the part of the police is evident.

6. Bail application is dismissed.

JUDGE