

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2680 of 2023**

Applicant : Syed ul Bashar ul Hassan
through Mr. Shah Imroz Khan, Advocate

Respondent : The State
through Mr. Muhammad Farooq Ali Jatoi,
Special Prosecutor, ANF

Date of hearing : 21st December, 2023

ORDER

Omar Sial, J: A.N.F. received information on 17.06.2023 that a suspicious parcel booked for Sri Lanka is at the Jinnah Airport. An A.N.F. team reached the courier company's office at the airport, and the suspicious parcel was handed to them. The sender's name on the parcel was Abid Yousuf, whereas the recipient was an address in Sri Lanka. When the parcel was checked, 1050 grams of crystal methamphetamine was discovered in it. Later on the same day, the courier company called the A.N.F. officers and told them that two persons had come to seek information about the parcel. One was Abid Yousuf, the sender, whereas the other was the applicant Syed Basharul Hassan. Both were arrested, and F.I.R. No. 39 of 2023 was registered against them under sections 6, 14 and 15 of the Control of Narcotic Substances Act, 1997.

2. The learned Special Prosecutor, A.N.F., has explained that interrogation of the accused revealed that a man named Mohammad Ishaq had given Abid Yousuf Rs. 50,000 to book the parcel for delivery to Sri Lanka using his own (Abid's) National Identity Card. Adnan had agreed and gave the parcel to the applicant Bashar for booking as he is ostensibly a booking agent. It is alleged that Abid and Bashar shared the money given to Abid by Ishaq.

3. At this preliminary stage, while the roles of Mohammad Ishaq and Abid are somewhat clear, there is an element of doubt as to whether Bashar was in the knowledge that the parcel he was taking to book contained narcotics. It seems that his line of work may have been such that he would take parcels and drop them off at the courier company for onward shipment. There is no convincing evidence yet to establish conscious possession on the applicant's part. The learned trial court will be in a better position to establish the applicant's culpability after it has had the benefit of reviewing the evidence produced at trial. It will, however, be appropriate to fix the quantum of surety at a higher level, because although the question of whether the applicant was in conscious possession or not will be decided by the learned trial court, there are indications that the applicant was associated with Abid Yousuf, the official sender of the parcel.

4. Given the above, the applicant is admitted to post-arrest bail subject to his furnishing a solvent surety of Rs. 500,000 and a P.R. Bond in the same amount to the satisfaction of the learned trial court.

JUDGE