

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Bail Application No. 980 of 2024  
(*Usama v. The State*)

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Date	Order with signature of Judges
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For hearing of bail application

**21.05.2024**

Mr. Mehmood Ahmed Khan, advocate for the applicant  
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State  
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It is alleged that on the arrest of the applicant from him has been secured 2100 grams of Charas in the shape of three pieces by a police party of PS PIB Colony Karachi East led by SIP Mumtaz Ali, for which the present case was registered.

The applicant on refusal of post-arrest bail by the learned Ist Additional Sessions Judge/MCTC Karachi, East, has sought the same from this Court by way of instant bail application u/s 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by taking him from his house as is indicated in photographs attached to the bail application and there is no independent witness to the incident, therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Assistant P.G for the State by contending that the offence alleged against the applicant is affecting the society at large and he has a previous record.

Heard arguments and perused the record.

The applicant is named in FIR with the specific allegation that on arrest from him has been secured Charas with a positive report of the Chemical Examiner which was sent to him within the prescribed time limit. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the Police. Of course, there is no independent witness to the incident but for this reason, the police officials could not be disbelieved by this Court at this stage when no malafide is apparent with them to have involved the applicant in this case falsely. No much reliance could be placed upon photographs produced by the applicant in the absence of any forensic report. As per the amendment introduced in the CNS Law, the minimum sentence prescribed for the alleged offence is nine years. The offence which the applicant is alleged to have committed is affecting society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence, with which he is charged; thus, no case for his release on bail on point of further inquiry is made out.

Consequent to the above discussion, the instant bail application is dismissed.

J U D G E