

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2905 of 2023**

Applicant : Ali Hussain
through Mr. Kashif Nazir Baloch, Advocate

Respondent : The State
through Ms. Abida Parveen Channer,
Special Prosecutor, ANF

Date of hearing : 02-02-2024

Date of order : 22-02-2024

ORDER

OMAR SIAL, J: Ali Hussain has sought post-arrest bail in crime number 04 of 2023 registered under sections 6, 9(1)(3)(e), 14 and 15 of the Control of Narcotic Substances Act, 1997, registered at the A.N.F.'s Gulshan-e-Iqbal police station. His earlier bail plea was dismissed on 30.08.2023 by the learned Special Court-1 (C.N.S.) at Karachi.

2. Two persons, identified as Syed Azeem Shah and Mohammad Bilal Nawaz, were arrested by the A.N.F. on 02.02.2023 while they were riding in a rickshaw and had 18 kilograms of charas in their possession. During interrogation, the two accused persons revealed that they would supply charas to different persons on the instructions and behest of the applicant, Ali Hussain.

3. I have heard the learned counsel for the applicant and the learned Special Prosecutor, A.N.F. The learned counsel for the applicant focused his argument on the fact that the A.N.F. had failed to recover any evidence showing the applicant's nexus with the offence complained of. The learned Special Prosecutor, A.N.F., argued that the applicant had been implicated in the present case on the statements made by the two arrested accused. My findings and observations are as follows.

4. It appears that the learned counsel for the applicant is correct in his argument that the only evidence gathered against the applicant is in the shape of a statement made by the accused, Mohammad Bilal Nawaz. Nawaz recorded before the investigator that he had entered the world of narcotic dealing due to poverty. He had been told by his old friend (co-accused Syed Azeem Shah) that he knew a person (the applicant) who would pay good money to transport narcotics. Bilal had subsequently met Ali Hussain, the applicant, and had previously performed several delivery tasks for him before being caught in the present case. The learned counsel for the applicant has been unable to explain why Bilal Nawaz would name the applicant as a supplier for no rhyme or reason. One must also keep in mind that this is a case under the narcotics legislation, and some weight should be given at the bail stage to the statements of the co-accused, especially when no reason for a false implication is provided. I would have still given some concession to the applicant had it not been for his involvement in a previous narcotics case (F.I.R. no. 256 of 2023 registered at the Khawaja Ajmer Nagri police station). Apart from the aforementioned case, the applicant is also accused in F.I.R. No. 619 of 2022, registered under the Sindh Gutka Manipuri legislation. It seems that the applicant may have repeated the offence under the narcotics legislation.

5. For the reasons given above, the bail application is dismissed.

JUDGE