

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Criminal Miscellaneous Application No.29 of 2024

Date	Order with signature of Judge
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For hearing of main case.

21.02.2025

Mr. Mohsin Ali Khan, Special Prosecutor for ANF/Applicant.
 Mr. Umer Farooq, Advocate for the Respondents.

Through the instant Criminal Miscellaneous Application, the State/ANF seeks cancellation of bail granted to the Respondents, vide order dated 14.09.2023, by the Special Court-II (CNS), Karachi, in Bail Application No.60 of 2023 filed in Special Case No.30 of 2023.

Briefly stated, the facts of the case are that on 10.04.2023 at about 2030 hours Complainant Inspector Shafique Ahmad Khan alongwith ANF staff, on spy information, reached ANF Examination Area, PICT, Karachi for checking of already held Container No.GAOU-655294-4 and recovered 48.500 Kgs of Valium (Diazepam) tablets. After observing requisite formalities, the complainant seized the recovered tablets and brought at PS ANF Clifton and lodged the FIR against the absconding accused namely Ishaq and importer M/s. HNH (Thailand) Co. Ltd. Thailand.

Learned Special Prosecutor for ANF/Applicant contends that the recovered 48.500 Kgs tablets being psychotropic substance fall under the schedule offence of the Control of Narcotic Substances (Amendment) Act, 2022, which fact has been ignored by the learned Court below while admitting the Respondents on bail.

On the other hand, learned counsel for the Respondents, while referring the case of *Mairajuddin Vs. The State (2023 P.Cr.L.J. 282)*, states that the recovered tablets have been manufactured by the pharmaceutical company under a license; hence, the same does not fall within the schedule of the Act of 2022 and the learned Court below, while relying on the said case-law, admitted the Respondents on bail by observing the case against the Respondents as of “further enquiry”.

Heard. Record perused.

It appears that this Court, while granting bail to the applicant Mairajuddin (supra), has observed as under:

“It is an admitted position that the alleged medicines have been manufactured by the pharmaceutical companies under a license. It is yet to be determined at trial as to whether the alleged medicated and therapeutic tablets fall within the definition of narcotic drug or psychotropic substance cognizable under the Act or it is case of violation of existing Export Policy, Imports and Exports Control Act, 1950 or Customs Act, 1969. Hence, the guilt of the applicant requires further inquiry.”

Therefore, the learned trial Court following the dictum laid down in the case of Mairajuddin admitted the Respondents on bail. Hence, there appears no illegality or irregularity in the impugned order; therefore, this Criminal Miscellaneous Application is dismissed.

JUDGE

JUDGE