

**ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.**

**Cr. Bail Appl. No.1133 of 2024  
Cr. Bail Appl. No. 1047 of 2024**

**04.06.2024**

Molvi Iqbal Haider, Advocate for applicant in Cr. Bail Appl.  
No.1133/2024

Mr. Ali Abbas Chohan, Advocate for applicant in Cr. Bail Appl.  
No.1047/2024.

Mr. Muhammad Iqbal Awan, Addl. P.G.

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicants Mst. Shamim and Muhammad Muzamil are seeking post arrest bail in Crime No.56/2024 U/s 6,9-iii (c) of the CNS Act of P.S CTD Civil Lines South.

2. On the basis of spy information, applicants and co-accused were arrested by CTD police on 08.04.2024 and from them in all 2 KG and 700 grams of charas and 170 grams of ice were recovered from their personal search, the facts, duly recorded in the FIR. From applicant Mst. Shamim 120 grams of ice and from applicant Muhammad Muzamil 1.7 K.Gs charas and 50 grams of ice whereas from third accused namely Shahid Ahmed One K.G charas and 100 grams of ice were recovered separately, when they were present at Qayoombad Chorangi.

3. Learned counsel for applicants has argued that CTD police has no jurisdiction to arrest the applicants, the alleged recovery is in violation of section 103 Cr.P.C; that CTD police is notorious for abducting innocent persons for ransom and on their failure to pay the same, implicating them in different cases. According to them, applicants were arrested before registration of FIR and falsely implicated in this case. No recovery has been effected from them. They have relied upon 2004 PLJ SC (Cr.C) 8, 2024 SCMR 913, 2013 P Cr. L J 1525, 2021 MLD 1129, 2024 P Cr. L J 652 and 2020 PLJ Cr. C. Note 28.

4. On the other hand, learned Addl. P.G. has opposed the bail to the applicants.

5. I have heard the parties and perused material available on record including police papers and the case law as above. It appears that on a tip off received by CTD police, the applicants were arrested from main Qayoomabad Chorangi, Karachi where, as per allegations, they had gathered for supplying alleged narcotics to different colleges and universities. There is apparently no

record to show that CTD police have any ill will or ulterior motives to falsely implicate the applicants. The applicants were arrested only on the basis of spy information and from them collectively huge quantity of charas and ice were recovered. The offence with the applicants have been booked carries punishment of more than 10 years, and falls within the prohibitory clause of section 497 Cr.P.C. Prima facie story of FIR is supported by other material viz. memo of arrest and recovery, chemical report and 161 Cr.P.C statements of witnesses. The case is a fresh one and still evidence of witnesses is yet to be recorded. At this stage in presence of prima facie evidence as above, the applicants are not entitled to concession of bail, hence these bail applications are dismissed. However, learned trial court is directed to expedite the trial and examine material witnesses within a period of three months, after which the applicants would be at liberty to repeat application for the same relief which, if filed, shall be decided on its own merits.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail applications are disposed of in the above terms.

**J U D G E**

A.K