

**IN THE HIGH COURT OF SINDH AT KARACHI.****CrI. Bail Application No.313 of 2016**

For hearing of Bail Application

**06.04.2016**

Mr. Nasrullah Malik, Advocate for applicant/accused  
Mr. Zahoor Ahmed Shah, APG

**Muhammad Iqbal Kalhoro,J.** Applicant is accused in crime 592 of 2015, registered on 03.11.2015 at Police Station Gulistan-e-Jauhar, U/s 6/9-C, Control of Narcotics Substance Act, 1997.

2. As per allegations, the applicant was driving Alto Suzuki Car on the day of incident, when he was stopped by the complainant party and during his checking 2 KG Charas was allegedly recovered. In pursuance of which the applicant was arrested and such memo of arrest and recovery was prepared. Resultantly, the above FIR was registered against him.

3. Applicant's counsel has argued that applicant is innocent and has been falsely implicated in this case; that applicant has got enmity with the police official of the same Police Station and on the basis whereof he has been booked in this case and 2 KG Charas has been foisted upon him. To establish his point, he has referred to the order dated 0810.2015 passed by learned IV-Additional Sessions Judge/Ex-Officio Justice of Peace, Karachi available at Page-91 of the file, on the application U/s 22-A Cr. P.C. filed by the applicant against the duty officer of Police Station Gulistan-e-Jauhar. He has also referred to an application of the applicant moved before the learned District & Sessions Judge, East, Karachi against some police officials of the same Police Station. Lastly he has relied upon the case of **MUHAMMAD HANIF VS. THE STATE [S B L R 2016 SINDH 29]** and states that in the said case 2500 grams Charas was recovered from the possession of the accused and yet he was granted bail.

4. Learned A.P.G. has opposed grant of bail to the applicant. He states that from the applicant 2 KG Charas was recovered, which was sent to the office of chemical examiner for analysis and the report has come in positive.

5. I have heard both the learned counsel and perused the material available on record. The case against applicant appears to be of further inquiry in view of documents submitted by him, which show that before alleged occurrence of this incident, the applicant was at odds with the police officials of the same Police Station and against whom he had moved various applications. Additionally, the applicant is behind bars since the date of his arrest i.e. 03.11.2015 but so far no progress in the trial has been made although the entire case of the prosecution is based on the evidence of the police officials whose attendance can be procured easily. The case has been challaned and now the application is no more required for further investigation. His remaining in jail is of no consequences to the prosecution.

6. In view of above, I am inclined to grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court. The trial Court is further directed to expedite the matter and dispose it of within a period of two (02) months and submit such compliance report.

**JUDGE**

;Rafiq/P. A.