

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-318 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case

14.04.2025.

Mr. Muhammad Hingorjo advocate for Applicant/Accused.

Agha Abdul Nabi Special Prosecutor ANF along with SIP
Muhammad Siddique PS ANF Hyderabad.

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MIRAN MUHAMMAD SHAH, J.- Through this Bail Application, Applicant has sought for post arrest bail in Crime No.11/2025 registered u/s 6, 9(1) 3C of CNS Act 1997 of PS ANF Hyderabad, after dismissal of his bail plea by the learned Additional Sessions Judge-I Kotri vide Order dated 10.03.2025, hence he approached this Court.

2. Brief facts of the prosecution case are that complainant Sub Inspector Muhammad Siddique, has lodged FIR with police station ANF District Hyderabad on 20.02.2025 at 0810 hours, alleging therein as under:-

"On 20.02.2025, I Sub-Inspector Muhammad Siddique was available at PS ANF Hyderabad, and with reference to high ups spy appeared at Police Station and shared the information that drug paddlers namely Asfand Yar Khan and Muhammad Alam Khan used to supply narcotics to the students of the University, would be arriving in between 5:40 am to 06:00 am near Sindh University PSO Filling Station Jamshoro carrying huge quantity of narcotic substances on a black colour CD-70 motorcycle bearing Registration No.HCU-833 and if immediate action is taken, recovery and arrest of the contraband. On receiving such information as per directives of high ups one raiding party formed consisting upon me, PC Gul Sher, PC Shaman Ali, PC Imtiaz Ali and Hawaldar Manzoor. The team duly equipped with weapons and investigation left in Government vehicle No.GP-7614 vide daily diary entry No.11 at 0500 hours driven by driver Ashique Hussain alongwith spy Informer. We police party reached at the pointed place at about 0545 hours, where we saw two persons waiting with a black colour bag placed on their motorcycle. The spy informer

identified to them to be same as Asfand Yar Khan and Muhammad Alam Khan drug dealers boarded on motorcycle and waiting someone who on seeing the police party in uniform coming in police mobile, both persons tried to run away and chased them by me SI and PC Gul Sher & PC Shaman, one accused made his escape taking advantage of early morning darkness who could be identified by me SI, PC Gulsher and PC Shaman Ali while other accused was apprehended with motorcycle & black colour travel bag. Public passersby were asked to act as mashir/witness but they refused due to fear of drug paddlers, therefore, from staff PC Gul Sher and PC Shaman Ali were deputed as mashirs and in their presence enquired the name, parentage and address of apprehended accused who disclosed his name as Asfand Yar Khan S/O Azizur-Rehman R/O PO Pasht Sarwano District Bajore and enquired the name of escaped accused and he disclosed his name as Muhammad Alam Khan S/O Roshan Ali Khan R/O House No.51 Mohallah Shah Waliullah Colony Qasimabad Hyderabad. On enquiry about narcotics from apprehended accused and after some time the apprehended accused admitted to possessing narcotic substance in the bag and voluntarily handed it over to us. Upon inspection, I recovered five packets wrapped in yellow solution tape, concealed inside a set of clothing. Each packet was cut open, revealing a slab of opium wrapped in transparent plastic (panni). Each packet weighed and each packet became one kg, total 5 kg. 10/10 grams sample was separated from each packet, placed in transparent plastic bags and labeled as S-1 to S-5. These sample bags were then sealed in a khaki envelope marked as parcel No.1 for chemical analysis. The remaining packets of opium were also labeled S-1 to S-5 placed back into the clothing secured in the black bag, further sealed in a white nylon bag, marked as parcel No. 2. The arrested accused Asfand Yar Khan further disclosed that the recovered motorcycle bearing registration No.HCU-8338, Engine No.D042313, Chassis No. GH056682 belongs to the escaped accused Muhammad Alam Khan and that they were involved in supplying drugs/narcotics to university students. During a body search of the arrested accused, conducted in the presence of the mashirs Cash amounting to Rs.800/-, his original CNIC, and an infinix mobile phone with a SIM card were recovered from the right-side pocket of his shirt. A Mashirnama of arrest and recovery was prepared in the presence of the above mashirs with their signatures. Subsequently the arrested accused and the recovered contraband narcotics sealed parcels No.1 & 2 were brought to police station ANF Hyderabad. As the above accused have committed offence U/S 6,9(1) 5E CNS Act 1997, therefore, this case is being registered against the accused and as per order of higher officers I Sub Inspector investigate the case.”

3. I have heard the Counsel for the Applicant as well as Counsel for the ANF and perused the Court file wherein it has transpired that the present Applicant/Accused was not arrested from the spot hence no recovery was effected from him. The only allegation against him is that one of the co-accused who was arrested from the spot named present Applicant/Accused being as the person who ran away from the spot. Learned Special Prosecutor ANF states that vehicle used in the offence was registered in the name of present Applicant/Accused however Applicant's Counsel rebuts the said arguments and states that he has sold the said vehicle about eight months before this incident. This being a case of further inquiry and since the case has already been sent for trial and the Applicant/Accused has already joined the trial proceedings let the Trial Court decide about the veracity of the ownership and presence of the Applicant/Accused on the spot. In such circumstances, I am inclined to confirm his interim pre-arrest bail already granted on same terms and conditions.

JUDGE

Ali Haider