

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2900 of 2024

Applicant : Ali Sher S/o Muhammad Shreen
through Mr. Aamir Mansoob Qureshi
Advocate

Respondent : The State
Through Mr. Mohsin Khan, Special
Prosecutor ANF

Date of hearing : 04.02.2025

Date of order : 04.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.23/2024 for the offence under Sections 6, 9(2) SR.6 CNSA AA 2022 Act 6, 9(1) SR.3(d) at PS ANF-II, Korangi, after his bail plea has been declined by the Special Court-I (C.N.S.), Karachi vide order dated 21.11.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that prior to this applicant was booked and acquitted from the charge but in order to get revenge, the ANF officials entered into the house of applicant and on the basis of statement of wife of the applicant, he has been booked in this case, otherwise nothing was recovered from his possession. He has also relied upon the application which was moved by brother of the applicant available at Page-65 of the file to the Director General, Pakistan Rangers stating that ANF officials entered into the house of his brother and robbed gold ornaments, cash Rs.25 lacs, CNIC and other documents. In support of his contentions, he has also produced courier slip of Leopards Courier Service (Pvt.) Ltd. which disclosed the time as 12:21 p.m. He also submits that exactly at night time, ANF arrested the applicant and

shown the same property which was written by the brother of the applicant in the aforesaid application; that nothing was recovered from his possession but the same was foisted upon him, as such, he prays for grant of bail to the applicant. He has relied upon the following case laws:

- i. 2020 SCMR 356 (*Nazeem Ullah and others vs. The State*)
- ii. 2019 SCMR 1651 (*Hussain Ullah vs. State and another*)
- iii. 2001 SCMR 14 (*The State through Deputy Director Anti-Narcotic Force, Karachi vs. Syed Abdul Qayum*)
- iv. 1999 SCMR 1271 (*Gul Zaman vs. The State*)
- v. 2022 SCMR 986 (*Bashir Muhammad Khan vs. The State*)
- vi. 2023 PCRLJ Note 10 (*Amir Muhammad Siddiq and another vs. The State*)
- vii. Unreported Order bearing Crl. B.A. No.71 & 841/2023 passed by High Court of Sindh dated 16.06.2023
- viii. 2024 YLR 1826 (*Fida Muhammad and another vs. The State and 2 others*)

4. On the other hand, learned Special Prosecutor ANF has vehemently opposed for grant of bail on the ground that the applicant has not denied from his house as such he is the owner of the subject property. When he was confronted whether any search warrants were obtained from the concerned Magistrate, he replied in negative. He was further confronted whether ANF had any apprehension or any entry in this regard is available in the police station that if search warrants are obtained then chars/narcotics can be removed by the applicant, he again replied in negative.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that prior to the incident, brother of the applicant moved an application to the Director General, Pakistan Rangers stating that some Rangers personnel entered into the house of present applicant and robbed gold ornaments, cash Rs.25 lacs, CNIC and other documents and thereafter at night time, the ANF officials entered into the house and showed the same property recovered from the possession of applicant so also 8.60 Kg charas and 12.20 grams Ice. When it was confronted from the learned Special Prosecutor ANF whether any search warrants were obtained prior to the raids into the house of applicant, he replied in negative. He was further confronted whether ANF had any apprehension or any entry in this regard is available in the police station that if search warrants are obtained then chars/narcotics can be removed by the applicant, he again replied in negative. Learned counsel for the applicant also pleaded malafide on

the part of ANF officials. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The applicant/accused named above is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- and P.R. bonds in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA