

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.640 of 2025

Applicant : Muhammad Adil  
through Mr. Shamim Alam, Advocate

Respondent : The State  
through Ms. Rubina Qadir, APG.

Date of hearing : 28.03.2025

Date of order : 28.03.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant Muhammad Adil seeks post arrest bail in case bearing crime No.978/2024 for offence under Section 6/9(1)3(C), CNS, Act, 2022 registered of P.S Defence, Karachi. Such plea of the applicant was turned down by the learned Additional Sessions Judge-VI South Karachi vide order dated 03.01.2025.

2. As per prosecution theory, on 23.11.2024 at about 0100 hours, on spy tip intercepted the applicant at Akhtar Colony traffic signal main Korangi Road, Karachi and recovered black shopper of charas weighing total 1230 grams and cash amounting to Rs.730/-. Consequent upon; case was registered *inter-alia* on above facts.

3. Learned counsel for the applicant urged that the applicant has been falsely implicated in this case by the police by foisting charas upon him; that despite information received in advance no independent private person was picked or associated by the police from way or the place of incident to witness the alleged recovery proceedings; that applicant was taken from the house and such CCTV recording produced; that neither photographs nor video recording of the seizure and arrest were made, therefore, such aspect of the case comes within the scope of further inquiry; that the case has been challaned and the applicant is not required to police for any further investigation. Under these circumstances, learned counsel prays that the applicant may be enlarged on bail. In support of his contentions, reliance has been placed on the case reported as *Zahid Sarfaraz Gill v. The State* (2024 SCMR 934).

4. On the other hand, Learned APG vehemently opposes the bail application on the ground that no mala fide on the part of police has been shown to suggest that the alleged recovery has been foisted upon the applicant.

5. The alleged recovery is shown to have been made on receipt of spy information and no independent is shown to have witnessed the alleged recovery. Further, the police also failed to make video recordings / take photographs of the search, seizure and arrest, as observed by the Hon' ble Supreme Court in the reported case of *Zahid Sarfaraz Gill* (supra) relied upon by learned Counsel for the applicant. The applicant is in jail since the date of his arrest i.e. 23.11.2024. Section 9(1)(3)(c) of the Act provides punishment with imprisonment up-to fourteen years and not less than nine years for possessing, importing, or exporting and trafficking 'charas' in contravention of Sections 6, 7 and 8 of the Act, from 1000 grams to 4999 grams in quantity. It is settled principle of law that at bail stage lesser punishment is to be considered. The quantum of punishment could only be decided by the trial Court after recording pro and contra evidence at trial. No previous record showing involvement of the applicant in any crime of the like nature has been placed. It is also settled law that unless proved guilty, every accused is to be presumed as innocent. In such circumstances, the case of the applicant in my humble view squarely falls within the purview of further enquiry, as contemplated by Section 51 (2) of the Act, read with Section 497(II), Cr.P.C.

6. Given the above, prima facie applicant has succeeded to make out case for further inquiry. Accordingly, he is admitted to bail in sum of Rs.100,000/- (Rupees One Lac only), subject to furnish solvent surety and P.R. bond in the like amount to the satisfaction of the trial Court.

7. The above observations are tentative in nature, which shall not prejudice the case of either party at trial.

**JUDGE**

Shahbaz/PA