

## IN THE HIGH COURT OF SINDH AT KARACHI

Cr.B.A No.861 of 2025

Applicant : Mansoor Ali son of Ghulam Nabi  
through Ms. Sonia Khan, Advocate

Respondent : The State  
through Mr. Qamaruddin Nohri, DPG.

Date of hearing : 11.04.2025

Date of order : 11.04.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant Mansoor Ali seeks post arrest bail in case bearing crime No.94/2025, offence under Section 6/9(1)-3(a) CNS Act registered of P.S Bin Qasim, Karachi. Such plea of the applicant was turned down by the learned Additional Sessions Judge-IV/Special Judge (CNS), Malir Karachi vide order dated 20.03.2025.

2. As per prosecution theory, on 14.03.2025 at about 1250 hours near Taj Complex, M.A Jinnah Road, Saddar Karachi, a police party lead by SI-Muhammad Younus of PS Bin Qasim, Karachi on spy information apprehended the applicant and recovered 320 grams charas. Consequent upon, case was registered inter-alia, on above facts.

3. At the very outset, learned counsel for the applicant/accused mainly contended that applicant/accused is innocent and has falsely been implicated in this case due to enmity with the complainant; that alleged recovery of charas from the applicant/accused is only 320 grams; minimum punishment of alleged offence is ten months, as such, does not fall within prohibitory clause of section 497 Cr.P.C. She lastly prays for grant of post-arrest bail to the applicant/accused.

4. On the other hand, Learned DPG vehemently opposes the bail application on the ground that no mala fide on the part of the police has been suggested to indicate that applicant has been implicated falsely, therefore, not entitled for the relief sought.

5. I have heard the learned counsel for the parties and perused the material available on record. It appears from the record that 320 grams

charas was allegedly recovered from the possession of the applicant/accused and punishment provided is up to five years, but not less than ten months and fine, hence the case of the applicant/accused not falls within the ambit of section 497(1) Cr.PC and bail in such like cases is a rule and its refusal an exception. The case has already been challaned and the applicant/accused is no more required for further investigation.

6. Given the above, prima facie applicant has succeeded to make out case for further inquiry, as envisaged under section 497(ii) Cr.PC. Accordingly, he is admitted to bail in sum of Rs.50,000/- (Rupees Fifty Thousand only), subject to furnish solvent surety and P.R. bond in the like amount to the satisfaction of learned trial court.

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

**J U D G E**

M.Zeeshan