

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No.359 of 2025

Date: Order with signature(s) of the Judge(s)

For hearing of bail application.

20-03-2025

Mr. Muhammad Yousuf Narejo, advocate for
Applicant/accused.
Mr. Qamaruddin Nohri, learned DPG.

Jan Ali Junejo, J.— The applicant, Adil Khaskehli S/o. Shafi Mohammad, has approached this Court seeking post-arrest bail in this Bail Application, arising out of FIR No. 479/2024 registered under Section 9-1-3(c) of the Control of Narcotic Substances Act, 2022 at Police Station Ibrahim Hyderi, Karachi. Earlier, the learned Additional Sessions Judge-I (MCTC), Malir, Karachi, vide order dated 24-01-2025, dismissed his bail plea observing that sufficient material connected him with the alleged offence and the case did not qualify for further inquiry.

2. As per the prosecution, on 23.10.2024 at about 0030 hours, during routine patrolling, the police party from P.S. Ibrahim Hyderi apprehended the applicant and allegedly recovered 1600 grams of charas from his possession. The recovery was effected in presence of police officials, and the applicant was formally booked under Section 9-1-3(c) of the Control of Narcotic Substances (Amendment) Act,

2022. The investigating officer conducted the initial probe and submitted charge sheet indicating the involvement of the applicant.

3. Learned counsel for the applicant, Mr. Muhammad Yousuf Narejo, contended that the applicant has been falsely implicated by the police and is a victim of police high handed ness. It was argued that the alleged recovery was effected from a public place during night hours, but no private witnesses were associated with the recovery proceedings, which renders the prosecution version doubtful. He further submitted that the case calls for further inquiry and does not fall within the prohibitory clause of Section 497 Cr.P.C. It was also pointed out that the applicant is no longer required for investigation, as he has already been remanded to judicial custody. Lastly, the learned counsel prayed for grant of bail.

4. Conversely, learned DPG Mr. Qamaruddin Nohri opposed the bail application on the grounds that a substantial quantity of charas (1600 grams) was recovered from the applicant's possession, which directly links him to the crime. He further argued that the police party acted promptly during routine patrolling and arrested the accused red-handed. Since the recovery is of a serious nature and the applicant has not pointed out any specific malafide on part of the police, the applicant is not entitled to the concession of bail at this stage. Lastly, the learned DPG prayed for dismissal of bail.

5. Upon hearing the detailed arguments presented by the learned counsel for the Applicant and the learned Deputy Public Prosecutor (DPG) for the State, and after thorough examination of the case records, including the First Information Report (FIR), charge sheet, and ancillary documents, this Court proceeds to evaluate the bail application within the permissible scope of judicial discretion at the pre-trial stage. The assessment remains tentative and does not prejudice the merits of the case or the trial Court's independent adjudication of guilt or innocence. The Applicant's status as a first-time offender stands uncontroverted, with no criminal history or prior convictions disclosed in the records. This factor weighs significantly in favor of the Applicant, as the absence of antecedents diminishes apprehensions of recidivism, habitual delinquency, or evasion of due process. The Applicant has been in judicial custody since **23.10.2024**, and the investigating agency has formally concluded its probe, culminating in the filing of the charge sheet under Section 173 CrPC. Continued detention at this juncture, where the investigatory purpose is exhausted, would serve no legitimate aim under criminal jurisprudence. The Applicant's fundamental right to liberty cannot be subordinated to unsubstantiated apprehensions, particularly when the charge sheet has been filed, witnesses are yet to be examined, and the evidentiary matrix remains untested. While the gravity of the alleged offence is not overlooked, the Applicant's prolonged detention without trial would unjustly penalize him prior to adjudication. The trial Court retains full authority to summon

witnesses, scrutinize evidence, and deliver a verdict based on the merits of the case. Granting bail neither undermines the sanctity of the investigation nor precludes the trial Court from independently assessing the Applicant's culpability.

6. In view of the foregoing, a case for further inquiry within the meaning of Section 497(2) Cr.P.C. is made out. Consequently, the applicant Adil Khaskehli S/o. Shafi Mohammad is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.2,00,000 (Rupees Two Hundred Thousand Only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made in this order are tentative in nature and shall not prejudice the case at trial. These are the reasons for short Order dated: 20-03-2025.

JUDGE