

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

Criminal Bail Application No.S-1403 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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Date of hearing: 13.05.2025

Date of Order: 29.05.2025

Mr. Ishrat Ali Lohar advocate for the Applicant/Accused.
Mr. Shahriyar Shar Special Prosecutor ANF.

MIRAN MUHAMMAD SHAH, J.- This Bail Application has been filed by the Counsel u/s 497 Cr.P.C. challenging the Order of the 2nd Additional Sessions Judge/Special Judge for Control of Narcotic Substances Hyderabad in Special Bail Application No.255 of 2024 where the learned Trial Court was pleased to dismiss the Bail Application of present Applicant/Accused in Crime No.33/2024 PS ANF Hyderabad u/s 6, 9(i) 3 (d) of CNS Act 14, 15 (CNSA) added in interim Report u/s 173 Cr.P.C.

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 need not to be reproduced.

03. Learned counsel for the accused/applicant has mainly contended that there is no reasonable ground to believe that the accused/applicant has committed the alleged offence; prosecution story is false, fabricated, untrustworthy and highly unbelievable and is without any independent or corroborative piece of evidence; there is no iota of evidence available with the prosecution to connect the accused/applicant with the commission of present crime; there is no any criminal record of accused/applicant. He has also argued that on 10.9.2024 accused/applicant was present at his house where at about 11.00 A.M, 10

to 12 individuals couple of them portrayed themselves as officials of PS ANF Hyderabad whereas remaining were in civil dress, came in the house and took the accused/applicant without any sort of complaint or FIR. He has lastly prayed that the case of accused/applicant falls within the ambit of further enquiry and he is entitled for concession of bail.

04. Conversely, learned Special Prosecutor ANF has mainly contended that a huge quantity of 8000 grams of Chars was recovered from the possession of the accused/applicant; that sample of Chars was sent to the chemical examiner; that there is no enmity of Police of Police Station ANF Hyderabad against the accused/applicant: that before sending the recovered substance to the Chemical Examiner it was kept in safe custody in Malkhana; and, that the provisions of section 103, Cr.P.C. are not applicable to the cases under the provisions of Control of Narcotic Substances Act, 1997. He has also argued that offence committed by the accused/applicant is against society and now-a-days such offence has reached to the alarming stage and need to be dealt with iron hands and the assailants involved in such like offence does not deserve any leniency. He lastly prayed for dismissal of the bail application.

5. After hearing both the sides I have examined the record produced along with the arguments where it could be seen that a huge quantity of 8 KGs has been recovered from the Applicant/Accused and it carries punishment which is within the prohibitory clause. In such cases where the Applicants are of a borderline age their age usually is taken as a plea for grant of bail. However the recovery i.e. huge in nature has been verified from the chemical examiner and the Report against the Applicant is positive. The menace of narcotics is now a days more prevalent among the youth and now they are not only the users of the drug but also become suppliers and in such cases lenient view cannot be taken to curb this offence against the society. More so in such cases grant of bail is barred and the Honourable Courts have also refrain from granting bail to such

Applicants/Accused who are not only carrying the drug but are alleged to be suppliers of the said drug. Association of independent witnesses in narcotic cases is no more a requirement. Perhaps a buyer was available which the Applicant/Accused was carrying the drug to. The matter has already been challaned and looking to the age of Applicant/Accused the learned Trial Court is specifically directed to conclude the trial within two months since only two to three material witnesses are required to be examined in the narcotic cases. With such directions I am of the opinion that the Counsel for the Applicant/Accused has not made out a case for bail at this stage. Hence Bail Application is rejected.

JUDGE