

**ORDER SHEET**  
**THE HIGH COURT OF SINDH KARACHI**  
C.P No. D-2290 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

- 1. For orders on office objections Nos.1 to 3.
- 2. For hearing of main case.

**30.07.2025**

Mr. Ali Muhammad Jogi, Advocate for the Petitioner.  
Mr. Abrar Ali Khichi, APG Sindh.

**Zulfiqar Ali Sangi J:-** Through instant petition the Petitioner Habib Noor @ Rajoo S/o Noor Bahadur seeks post arrest bail in Crime No.83 of 2024 under Section 9(1)3(d) of Control of Narcotics Substance Amendment Act, 2022 registered at Police Station AVCC/CIA, District West, Karachi.

2. Brief facts of the prosecution case as per contents of the FIR are that the police party headed by complainant/ASI Junaid Butt of PS. AVCC/CIA, Karachi, along with other subordinate staff, during patrolling arrested the accused/petitioner on receiving spy information and recovered **07 Kg of charas** from his possession, hence the aforesaid FIR under the provisions of CNS Act has been registered against him.

3. Learned counsel for the petitioner argued that the Petitioner has been falsely implicated in this case with mala fide intentions and no recovery has been effected from the possession of the Petitioner and the alleged recovery has been foisted upon him. It is further argued that all the prosecution witnesses are police personnel despite the occurrence having allegedly taken place in a densely populated area, which is in violation of Section 103 Cr.P.C. He argued that the police party failed to record any video of the alleged recovery, therefore, they have violated the guidelines of the honorable Supreme Court contained in the judgment reported as PLJ 2024 SC (Cr.C.) 8. He lastly argued that the chemical examiner has not followed the required procedure. He, therefore prayed for grant of bail to the petitioner.

4. Learned Deputy Prosecutor General vehemently opposed the bail petition. He argued that the petitioner has been apprehended

red handed by the police officials on receiving spy information and a huge quantity of charas i.e. **07 kg.** has been recovered from his possession in presence of the official witnesses. He contended that chemical report confirms that the seized substance was narcotic substance. As per the Table in Section 9(1) of the Control of Narcotic Substances Act, 1997 it comes under clause (d) of its third category and prescribes a minimum imprisonment of fourteen years and maximum of twenty years and fine. He argued that the huge quantity of charas of **07 kg.** has been recovered from possession of the petitioner which shows that the petitioner is a drug dealer, which is a crime against the society. He lastly argued that the case against the petitioner is fully established, therefore, he is not entitled for grant of bail.

5. We have heard learned counsel for the parties and have perused the available record with their able assistance.

6. From perusal of record it reflects that the petitioner has been arrested red-handed in presence of official witnesses and a huge quantity of charas viz. **07 kg.** has been recovered from his possession and the chemical examiner reports confirms the nature of recovery to be charas weighing 07 kg. The recovery of huge quantity of charas is grave in nature and comes within the ambit of commercial quantity. Moreover, alleged offence is punishable for more than 10 years and falls under the prohibitory clause of Section 497 Cr.P.C. The offence being heinous and grave in nature is against the society at large, therefore, attracts the bars contained in the provisions of CNS, Act. We are, therefore, of the view that the petitioner is not entitled to grant of bail at this stage. Therefore this petition for grant of bail is dismissed. However, the trial Court is directed to conclude the trial within 04 month from the date of order.

7. The instant petition stands disposed of in the above terms.

8. Needless to observe that the observations made herein are tentative in nature and the trial Court shall not be influenced with the same while decided the case.

**JUDGE**

**JUDGE**