

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 1914 of 2025

Applicant : Nasarullah @ Seruu
through Mr. Ajab Khan Khattak,
Advocate.

Respondent : The State
through Mr. Musharraf Azhar,
Special Prosecutor ANF.

Date of hearing : 10.11.2025

Date of Order : 18.11.2025

ORDER

OMAR SIAL, J.- Nasarullah was arrested on 06.05.2025 by ANF while he had eleven kilograms of charas. F.I.R. No. 18 of 2025 under sections 6 and 9(1)3(c) of the CNS, 1997, was registered at the ANF's Gulshan-e-Iqbal police station.

2. The learned counsel has argued that charas was recovered not from his possession but from the motorcycle on which he rode; that the chain of custody is doubtful; section 103 Cr.P.C. was violated; that samples were not taken from each bar of charas recovered, and that the punishment for possessing one kilogram of charas fell within the non-prohibitory clause of section 497 Cr.P.C.

3. We have heard the learned counsel and the learned Special Prosecutor.

4. The charas was in a bag, hanging from the motorcycle's steering, which Nasarullah was driving. Prima facie that would tantamount to possession. The sample from the narcotic was taken on 06.05.2025 and sent for chemical analysis the very next day. There is nothing on record at this stage to show that the chain of custody was compromised. Section 25 of the CNS Act 1997 excludes the applicability of section 103 Cr.P.C. in cases falling within the ambit of the Act. Only one slab of charas was recovered, and a

sample was taken from it. There was no question of taking samples from two or more slabs. The sentence for possessing one kilogram is nine to fourteen years. If the lower sentence is considered at this stage, the case of the applicant would fall out of the prohibitory clause of section 497 Cr.P.C.; however, the learned counsel has been unable to deny that the Supreme Court in the case of *The State vs Gul Nawab* (Criminal Petition No. 150-K/2024) has held that in bail applications in narcotic cases, it is the higher sentence that will be considered.

5. The applicant has been unable to make out a case for bail at this stage. The bail application is dismissed.

JUDGE

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