

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Misc. Application No.548 of 2024

Present:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Applicant:- The State/ANF through Mr. Mohsin Ali Khan,
Special Prosecutor, ANF.

Respondent:- Sardar Wali through Mr. Hafeezullah, advocate.

Date of hearing:- 01.04.2026

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MUHAMMAD IQBAL KALHORO J: ANF has challenged impugned order dated 21.02.2024, whereby on medical ground bail was granted to respondent, accused of possessing 19.200 Kgs of charas which is a scheduled offence under CNS Act 1997.

2. Learned Special Prosecutor ANF has submitted that the bail to the respondent was granted on wrong principles without considering gravity of the offence construed to be an offence against the society. On the other hand learned counsel for respondent says he is not prepared without however referring to any justification.

3. In any case, we have seen the impugned order. Learned trial Court without getting the respondent examined by the medical board and without ascertaining the fact as to whether his confinement in jail was dangerous to his life or not and whether his treatment inside the jail was possible or not, has granted bail to him by considering a verbal statement of Chief Medical Officer Jail that such facility was not available inside the jail. We are of the view that the trial Court did not attend to basic principles governing grant of bail on medical ground to an accused in a case in which huge quantity of narcotics is recovered from him. It is settled that bail on medical ground can be granted only in the circumstances when either the treatment of the given disease is not available in the jail and/or the confinement of the accused, due to such disease, is opined to be detrimental to his life. We therefore set aside the impugned order and cancel bail granted to the respondent by the trial Court.

The Cr. Misc. Application is accordingly disposed of in above terms.

JUDGE

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