

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No.2909 of 2025
Cr. Bail Application No.3423 of 2025
Cr. Bail Application No.493 of 2026
Cr. Bail Application No.494 of 2026
Cr. Bail Application No.765 of 2026

Present:

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

Applicant:- Syed Fahad Ali Tirmizi in Cr. Bail Applications No.2909 and 3423 of 2025 through Mr. Mamoon A.K. Shirwany, advocate.

Applicant:- Muhammad Sabir in Cr. Bail Applications No.493 and 494 of 2026 through Mr. Umar Farooq, advocate.

Applicant:- Altamas Khan in Cr. Bail Application No.765/2026 through Mr. Shah Imroze Khan, advocate

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

Date of hearing:- 09.04.2026

=====

MUHAMMAD IQBAL KALHORO J: On 17.08.2025, a suspicious shipment booked for Auckland, New Zealand by DHL at Jinnah International Airport was spotted. The information of which was communicated by the courier service to ANF which arrived at the spot and examined the shipment. The ANF found in it leather jackets containing Ice weighing 02 Kgs. The case was registered (Crime No.37/2025 u/s 7A (2) 6, 14, 15 CNS Act, 1997) and investigation started in which one Adeel Anjum was identified to be the culprit. He was arrested and on his information applicant Syed Fahad Ali Tirmizi was identified to be his associate and arrested. In interrogation, applicant Syed Fahad Ali Tirmizi disclosed name of applicants Muhammad Sabir and Altamas Khan; hence they were also arraigned as accused in the case. Subsequently, applicant Muhammad Sabir was arrested from outside of his house along with a bag of leather jackets from which 3.2 Kgs Ice was recovered and hence second FIR (Crime No.40/2025 u/s 7, 9(2) 6, 14, 15 CNS Act, 1997) was registered against the accused.

2. Applicants' counsel have pleaded bail on the ground that no direct evidence is available against them; the whole case is based on

presumptions and conjectures and most of the accused have been arraigned in the case on the basis of statements of co-accused.

3. On the other hand learned Special Prosecutor ANF has opposed bail.

4. We have considered submissions and perused material available on record. There are reasonable grounds to believe that applicant Syed Fahad Ali Tirmizi is involved in the alleged offence, although he was arrested on the basis of information revealed by alleged main accused namely Adeel Anjum but then on his disclosure co-accused Muhammad Sabir was arrested and from him a huge quantity of Ice viz. 03.2 Kgs. was recovered. The information revealed by applicant Fahad is relevant under the provisions of Qanun-e-Shahdat Order in that it led to discovery of Ice and arrest of accused Sabir from whom it was physically recovered, and therefore cannot be ignored at the stage of bail, where only a tentative assessment of material available on record has to be undertaken. Hence, both the applicants are not entitled to bail.

5. However, the case of applicant Altmas Khan appears to be distinguishable in that neither any direct evidence against him is available nor any information extracted from him has been found relevant to the case except the opinion of the IO based *prima facie* only on statement of co-accused, the relevancy of which is to be determined at the stage of trial, that he is one of the associates. Therefore, while dismissing all the bail applications, we allow application of applicant Altmas Khan (Cr. Bail Application No.765/2026) and grant him bail subject to furnishing a solvent surety in the sum of Rs.2,00,000/- (Rupees Two Hundred Thousands only) and PR Bond in the like amount to the satisfaction of the trial Court.

6. The Bail Applications are disposed of accordingly. The trial court is, however, directed to expedite the trial, examine material witnesses within four months without fail, after which in any case, the applicants would be at liberty to repeat their bail applications, which will be decided on its own merits. The observations herein above are tentative in nature and shall not affect the case of either party on merits before the trial Court.

JUDGE

