

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail Appl.No.437 of 2026

Date	Order with signature of the Judge
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Present:

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

Abdul WahabVs. The State

16.04.2026.

Ms. Shaista Qaisar, Advocate for applicant
Mr. Ali Haider Saleem, Addl. P.G.

O R D E R

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MUHAMMAD IQBAL KALHORO J: Applicant alongwith co-accused Muhammad Sajid, Muhammad Fawad and Awais Khan was arrested on 14.01.2026 by a police team of P.S. SIU, Karachi from Mirza Adam Khan road, near Kashti Masjid street, Garden Karachi. From all the accused, different incriminating articles were recovered. From co-accused Muhammad Sajid 390 grams of ice, from co-accused Muhammad Fawad 340 grams of Ice, from co-accused Awais an unlicensed 30 bore pistol and from applicant 200 grams of Heroin were recovered, hence they all were booked in FIR bearing Cr. No.27/2026 U/s 9(1) 6(b), & 9(2) (4) CNS Amended Act, 2025 of P.S. SIU Karachi.

2. Learned counsel for applicant has pleaded for bail on the rule of consistency stating that all the co-accused have been granted bail by the trial court and just because it is alleged that from applicant 200 grams of Heroin was recovered, his bail application was rejected.

3. On the other hand, learned Addl. P.G. has opposed the bail stating that punishment for recovery of 200 grams of Heroin is different from punishment for recovery of given quantity of Ice.

4. We have considered pleas of the parties, in our view however, applicant is entitled to concession of bail on the rule of consistency as other co-accused, who were arrested alongwith applicant from the same spot with different quantity of narcotics have been granted bail by the trial court. Distinction in punishment of an offence jointly committed by the accused cannot be considered while making a tentative assessment for deciding a bail application. When more than one accused are arrested from the same spot with different quantity of narcotics, they are *prima facie* not only responsible for narcotics in their physical possession but narcotics which is in possession of other accused on the ground of conscious possession. But learned trial court has not considered such facts and has rejected bail application of applicant and granted bail to others.

5. We, therefore, on the rule of consistency grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of the trial court.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Application is disposed of.

JUDGE

JUDGE

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