

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1051 of 2025

Applicant : Irfanullah son of Gul Peer Khan,
Through Mr. Mumtaz Ali Khan Deshmukh,
Advocate

Respondent : The State
through Mr. Rubina Qadir, DPG Sindh

Date of hearing : 09.05.2025

Date of order : 19.05.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – By a detailed order dated 13.05.2025 passed in Criminal Bail Application No. 1004 of 2025 (Javaid v. The State), this Court has already held that, in view of Section 35(1) of the Sindh Narcotic Substances Act, 2024 and the binding pronouncement of the Larger Bench in C.P. No. D-937 of 2025, ordinary criminal courts are divested of jurisdiction to entertain bail applications under the Code of Criminal Procedure, 1898, for offences under the said Act. It was further observed that such matters, where fundamental rights are invoked, may only be entertained by a Constitutional Bench under Article 199(1)(c) of the Constitution.

In view of the above, and for the reasons recorded in the aforesaid detailed order, the present bail application is held to be not maintainable before this Court in its present composition and is accordingly disposed of, with liberty to the applicant to approach the proper forum in accordance with law.

JUDGE