

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

**C.P.No.D-1841 of 2025**  
(Mst. Nazia vs. Province of Sindh and another)

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Date	Order with signature of Judge
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Present:  
Mr. Justice Muhammad Karim Khan Agha  
Mr. Justice Adnan-ul-Karim Memon

**25.06.2025**

Mr. Javed Ahmed Shar, advocate for the petitioner  
Mr. Mumtaz Ali Shah, APG  
Mr. Ali Safdar Deepar AAG  
SIP Aida Pervez of PS Malir City, Karachi

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**Muhammad Karim Khan Agha, J.-** Petitioner Mst. Nazia has been booked in FIR bearing Crime No.259/2025 registered at PS Malir City for offence under Section 9(1)3(c) of the Sindh Control of Narcotic Substances Act 2024 and she was taken into custody for such offences. The petitioner has approached this Court for grant of post arrest bail.

2. Briefly the facts of the prosecution case are that on 26.04.2025 the lady petitioner, based on spy information, was stopped at Khayaban-e-Muhammad, 60 feet Road, Malir City, Karachi by police party of PS Malir City. On search of the petitioner, the charas weighing 1015 grams was recovered from her possession; hence, she was taken into custody and has now applied for post arrest bail.

3. We have heard learned counsel for the petitioner and learned APG who has been assisted by the I.O and have perused the record.

4. Perusal of the record reflects that the petitioner has already been behind bars for the past two months, and yet no charge has been framed against her. There are six prosecution witnesses (PWs) whose evidence is yet to be recorded. At this point in time, neither the competent Court nor the trial Judge is available to proceed with the case. Until such appointments are notified, there is a danger that the petitioner may remain incarcerated for an unduly prolonged period, despite the right to expeditious trial guaranteed under Article 10-A of the Constitution. The quantity recovered from the petitioner under the Sindh Control of Narcotic Substances Act, 2024, carries a sentence that may extend up to fourteen years, but not less than eight years, along with a fine which may

be up to four hundred thousand rupees, but not less than two hundred thousand rupees. In such like cases, bail is granted, as the minimum sentence falls less than ten years. However, we exercise due caution, considering this is a narcotics case which adversely affects society at large. It is further noted that the recovered narcotics are in the safe custody of the police, and the petitioner is not in a position to tamper with the evidence. She is currently in judicial custody and is no longer required for investigation. It is also pertinent to note that no video or photographic evidence was recorded at the time of the alleged recovery.

5. Based on the above discussion, we find that the petitioner namely Mst. Nazia has made out the case for post arrest bail and accordingly she is granted post arrest bail subject to her furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Lacs) and P.R bond in the like amount to the satisfaction of the Nazir of this Court. The petitioner shall appear before the trial on each and every date of hearing.

6. It is made clear that this order is based only on a tentative assessment of the evidence on record and shall have no bearing on the trial court proceedings which shall be decided on merits without being influenced by this order.

7. The instant petition stands disposed of in the above terms along with all pending applications.

HEAD OF CONST. BENCHES

JUDGE

Nadir\*