

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Const. Petition No.D- 895 of 2025**

<b>Date of hearing</b>	<b>Order with signature of Judge</b>
------------------------	--------------------------------------

**Before:**  
**Mr. Justice Muhammad Saleem Jessar**  
**Mr. Justice Riazat Ali Sahar**

Petitioner : **Abdul Ghafoor Suhag** through Mr. Humail Rafi Mahesar, Advocate.

The Respondents: **The State and Province of Sindh** through M/s Syed Sardar Ali Shah, Additional P.G and Agha Athar Pathan, Assistant Advocate General Sindh a/w Inspector/SIO Manzoor Hussain Solangi.

Date of Hearing : **08-07-2025**  
Date of Order : **08-07-2025**

**O R D E R**

**RIAZAT ALI SAHAR, J.** By way of this petition, petitioner Abdul Ghafor son of Sono Khan by caste Suhag, seeks his release on post arrest bail in crime No.172 of 2025 under section 9 (b) CNS (Amendment) Act, 2022, registered at Police Station B Section Khairpur Mirs, for allegedly possessing 1500 grams of Bhang.

2. Since facts of the prosecution case are already mentioned in the FIR as well as in the memo of petition; therefore, there is no need to reproduce the same. Reliance is placed on the case of **Muhammad Shakeel v. The State & others** (PLD 2014 SC 458).
3. Record reflects that interim challan was submitted by the police on 28.06.2025 and the final report under Section 173 Cr.P.C is yet to be submitted after collecting the Chemical Examiner’s report. Since the statute does not provide a specific provision for filing a bail application, and there being no alternate remedy, the petitioner has maintained this petition.
4. Learned counsel for the petitioner is innocent and has falsely been implicated by the police in this case and the alleged recovery of

Bhang has been foisted upon him. He next argued that the alleged recovery of contraband substance, viz. Bhang weighing fifteen hundred grams, constitutes a meager quantity. He next submitted, although the punishment for said offence under the CNS (Amendment) Act, 2022 is “*imprisonment which may extend to seven years, and it shall not be less than three years*”, lesser quantum of sentence is provided which does not fall under the ambit of prohibitory clause of Section 497 Cr.P.C. He, therefore, contended that case against the petitioner requires further inquiry and prayed for the grant of bail. However, in response to the CRO, counsel for the petitioner submits that petitioner has been acquitted from the charge of said cases and he is non-previous convict.

5. Learned Law Officers, in view of above facts and circumstances, have recorded their no objection.

6. We have heard learned counsel for the petitioner as well as law officers and have gone through the material made available before us on record.

7. Allegedly, the recovery of 1500 grams of Bhang was effected from the possession of petitioner; however, perusal of the Sindh Amendment Act, 2022 reveals that the offence in question is punishable with imprisonment which may extend to seven years, and it shall not be less than three years, hence the alleged offence with which the petitioner is charged does not attract the prohibitory clause of Section 497 Cr.P.C, and, therefore, grant of bail is a rule while its refusal is an exception, as enunciated by the Hon’ble Supreme Court of Pakistan in the case of **Tarique Bashir v. The State** (PLD 1995 SC 34). Moreover, insofar as involvement of present petitioner in two criminal cases, as per CRO, is concerned, learned counsel for petitioner submits at bar that the petitioner has been acquitted from the charge of said cases and he is a non-previous convict.

8. In view of the foregoing, we are of the opinion that *prima facie* the petitioner has succeeded to make out a case for grant of bail. Accordingly, the instant Constitutional Petition was allowed by our short order dated 08.07.2025, whereby the petitioner, **Abdul Ghafoor**

**Suhag**, was ordered to be released on bail upon furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** and P.R bond in the like amount to the satisfaction of the 1<sup>st</sup> Civil Judge & Judicial Magistrate, Khairpur / trial Court or as the case may be. These are the reasons in support of our above short order.

9. It is clarified that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court during adjudication of the case on merits.

**JUDGE**

**JUDGE**

Ahmad/PS