

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

**C.P.No.D-1677 of 2025**  
(Mst. Ashraf Bibi and another vs. Province of Sindh and another)

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

**17.06.2025**

Mr. Malaq Assa Dashti advocate for the petitioners  
Mr. Ali Safdar Deepar AAG  
Mr. Qamaruddin DPG  
I.O SIP Sikandar PS Malir City

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**Muhammad Karim Khan Agha, J.-** Petitioners Mst. Ashraf Bibi and Mst. Badshah Zadi have been booked in FIR bearing Crime No.141/2025 registered at PS Malir City for offence under Section 9(1)3(d) CNS (Amendment) Act 2024, Section 9(1)3(c) of Sindh Control of Narcotics Substance Act 2024. The petitioners have approached this Court for grant of post arrest bail.

2. Briefly the facts of the prosecution case are that on 16.03.2025 at 6:20 a.m. SIP Muhammad Aslam of PS Malir City, on spy information apprehended the petitioners and co-accused Asghar Ali Shah and recovered 1020 grams of charas from each of the petitioners and 9180 grams of charas from co-accused Asghar Ali Shah. Accused were arrested on spot; charas was sealed and sent to chemical examiner for report.

3. We have heard learned counsel for the parties and have perused the record.

4. Perusal of record reflects that both the petitioners are ladies around 60 years of ages and have been in custody since the date of their arrest i.e. 16.03.2025 which is over 03 months ago, yet only challan has been submitted and no charge has been framed. It is doubtful whether challan submitted before the Court has jurisdiction to hear this case. Be that as it may, there are five prosecution witnesses, who are yet to be examined and it shall take some time. It appears that both the petitioners have been arrested by a joint memo of arrest and recovery, the Apex Court in the case of **Shahid Hussain alias Multani vs. The State and others** (2011

SCMR 1673) has held that evidentiary worth of such memo may be next to nothing. Even learned DPG has failed to show us any photograph or video recording of such seizure. It appears that punishment provided for the offence is imprisonment which may extend to fourteen years but shall not be less than nine years along-with fine which may be up to five hundred thousand rupees but not less than one hundred thousand rupees. Since the police has recovered narcotics, it is not possible for the petitioners to tamper with the evidence; the matter has already been challaned and petitioners are in continuous custody since their arrest and are no more required for any investigation nor the prosecution has claimed any exceptional circumstance, which could justify keeping them behind the bars for an indefinite period pending determination of their guilt. Moreover, it is settled principle of law that bail cannot be withheld as punishment. Based on the aforesaid discussion, both petitioners namely Mst. Ashraf Bibi and Mst. Badshah Zadi are admitted to post arrest bail subject to their furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Lacs) each and P.R bond in the like amount to the satisfaction of the Nazir of this Court. The petitioners shall appear before the trial on each and every date of hearing.

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.

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

HEAD OF CONST. BENCHES

JUDGE