

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-106 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Ali Akbar S/o Qurban Ali Solangi,
through M/s Shabbir Ali Bozdar and Aaraf
Soomro, Advocates

The State : Through Mr. Shafi Muhammad Mahar,
Deputy P.G for State.

Date of Hearing : **02.06.2026**
Date of Order : **02.06.2026**

ORDER

Abdul Hamid Bhurgri J.- The applicant, Ali Akbar son of Qurban Ali Solangi, seeks post-arrest bail in Crime No.69 of 2026, registered at Police Station Bhiria City, District Naushahro Feroze, for an offence punishable under Section 9(i), Sr. No.3(c) of the Sindh Control of Narcotic Substances Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025, after dismissal of his post-arrest bail application by the learned Sessions Judge/Special Judge for CNS Cases, Naushahro Feroze, vide order dated 17.04.2026.

2. Briefly stated, the prosecution case is that on 05.04.2026 at 1800 hours, complainant ASI Ali Nawaz Brohi lodged the F.I.R., alleging that while he along with his subordinate staff was on patrol duty and reached Lakha Morr, Village Mangho, they noticed a person standing there carrying a shopper in his hand. Upon seeing the police party, he allegedly attempted to flee but was apprehended. It is alleged that due to non-availability of private mashirs, PC Abdul Rehman and PC Shafique Ahmed were appointed as mashirs of recovery. On inquiry, the apprehended person disclosed his identity as Ali Akbar son of Qurban Ali Solangi, resident of Village Kando Wahan, Taluka Mehar, District Dadu. The shopper allegedly recovered from his possession was found to contain 1500 grams of charas, out of which 200 grams were separated as sample and the remaining quantity was sealed at the spot. Thereafter, the accused along with the recovered contraband was brought to the police station, where the present F.I.R. was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in this case. He argued that no independent private mashir was associated with the alleged recovery despite the place of arrest being accessible to the public. He further submitted that the applicant is a resident of District Dadu whereas the alleged recovery is stated to have been effected within the jurisdiction of Police Station Bhiria City, District Naushahro Feroze, which, according to him, requires further probe. He further contended that the applicant has no previous criminal record, is not a habitual offender, and that the case falls within the ambit of further inquiry.

4. Conversely, learned Deputy Prosecutor General opposed the bail application and submitted that the applicant is specifically nominated in the F.I.R.; that a substantial quantity of charas was recovered from his exclusive possession; and that the recovered contraband was duly sealed at the spot. According to him, the applicant is not entitled to the concession of bail.

5. We have heard learned counsel for the parties and examined the material available on record. Prima facie, although the alleged quantity falls within the prohibitory clause, the prosecution case is yet to be established through legally admissible evidence at the trial. It is an admitted position that the alleged recovery was effected at a place accessible to the public; however, no independent private mashir was associated with the recovery proceedings and only police officials have been cited as mashirs. While non-association of private witnesses by itself may not be sufficient to discard the prosecution case, yet, at this tentative stage, it constitutes a circumstance requiring deeper appreciation during trial. It is also not disputed that the applicant is a resident of District Dadu whereas the alleged recovery is stated to have been effected within the jurisdiction of Police Station Bhiria City, District Naushahro Feroze. Though this circumstance alone may not be decisive, it too requires examination during trial. The applicant is stated to have no previous criminal record and is not shown to be a habitual offender. The investigation appears to have been completed, the applicant is in judicial custody, and he is no longer required for any further investigative purpose. Moreover, nothing has been brought on record to suggest that the applicant is likely to abscond or tamper

with the prosecution evidence if released on bail. Reliance is placed upon the case of Muhammad Abid Hussain vs. The State and another (2025 SCMR 721).

6. In the cumulative circumstances of the case, and without expressing any final opinion on the merits, we are of the tentative view that the case of the applicant calls for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Accordingly, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

7. The observations made hereinabove are purely tentative in nature and shall not prejudice the case of either party at the trial.

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