

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-123 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Hamid Bhurgri.

Applicant : Ali Bux S/o Wali Muhammad Chang,
through Mr. Ghulam Qadir Rind, Advocate

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 Bux son of Wali Muhammad Chang, seeks post-arrest bail in Crime No.23 of 2026, registered at Police Station Lakha Road, 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 08.03.2026.

2. Briefly stated, the prosecution case is that on 29.03.2026 at about 5:30 p.m., complainant ASI Qaimuddin Khaskheli lodged the F.I.R., alleging that while he along with his subordinate staff was on patrol duty and reached the link road leading from Lakha Road to Haoth Khan Jalbani near Chandio Morr, they noticed a person standing there carrying a black shopper in his hand, who was apprehended at the spot. It is alleged that due to non-availability of private mashirs, HC Muhammad Ibrahim Shar and PC Nazeer Ahmed Brohi were appointed as mashirs of recovery. On inquiry, the apprehended person disclosed his identity as Ali Bux son of Wali Muhammad Chang, resident of Mehrabpur. The shopper allegedly recovered from his possession was found to contain charas weighing 1100 grams. Samples were separated and the remaining contraband 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 despite the alleged recovery having been effected during daytime at a place accessible to the public, no independent private mashir was associated with the recovery proceedings. He further submitted that the applicant had contracted marriage with Mst. Mukhtiar Bibi and has placed on record certain documents in support of such plea. According to learned counsel, due to personal hostility arising therefrom, the applicant has been falsely implicated in the present case. 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. The applicant has also raised a plea of false implication arising out of personal hostility and has placed certain documents on record in support thereof. The veracity and legal effect of such plea are matters to be examined by the learned trial Court after recording evidence; however, at this tentative stage, the same cannot be altogether ignored. 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.100,000/- (Rupees One Hundred 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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