

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-67 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Aamir S/o Ghulam Nabi Arejo,
through Mr. Abdul Wahab Shaikh, 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, Aamir son of Ghulam Nabi Arejo, seeks post-arrest bail in Crime No.458 of 2025, registered at Police Station 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 26.01.2026.

2. Briefly stated, the prosecution case is that on 20.10.2025 at 1100 hours, complainant ASI Mehboob Ali Khoso lodged the F.I.R., alleging that while he along with his subordinate staff was on patrol duty and reached near Rohri Canal Bridge on the road leading from Naushahro Feroze to Padidan, they noticed a person 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 Faisal Munir Memon and PC Fayaz Ali Kalhoro were appointed as mashirs of recovery. On inquiry, the apprehended person disclosed his identity as Aamir son of Ghulam Nabi Arejo, resident of Village Sharif Arejo, Taluka Bhiria. The shopper allegedly recovered from his possession was found to contain 1015 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 despite the alleged recovery having been effected at a place accessible to the public, no independent private mashir was associated with the recovery proceedings. He further submitted that although the prosecution case reflects that the recovery proceedings were videographed, no such video recording has been produced. 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. Furthermore, the prosecution case itself reflects that the recovery proceedings were videographed; however, no such video recording has been produced before this Court. The effect of such omission is a matter to be examined by the learned trial Court after recording evidence; nevertheless, at this tentative stage, the same cannot be overlooked. 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. Viewed cumulatively, these circumstances make the case one requiring further probe and deeper appreciation of evidence at the trial.

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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