

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

Criminal Bail Application No. D-129 of 2026

**Before;**

*Mr. Justice Adnan-ul-Karim Memon*

*Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Muharram Ali S/o Arz Muhammad,  
through Mr. Zafar Ali Dahri, 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, Muharram Ali son of Arz Muhammad, seeks post-arrest bail in Crime No.42 of 2026, registered at Police Station Tharushah, 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 11.03.2026.

**2.** Briefly stated, the prosecution case is that on 06.03.2026 at 3:00 p.m., complainant ASI Manzoor Ali Behan lodged the F.I.R., alleging that while he along with his subordinate staff was on patrol duty and reached Link Road Mithiani at Hariput Phattak, they noticed a person standing there carrying a black 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 Abdullah and PC Abdul Rasheed were appointed as mashirs of recovery. On inquiry, the apprehended person disclosed his identity as Muharram Ali son of Arz Muhammad Chandio, resident of Village Qasim Chandio, Taluka and District Dadu. The shopper allegedly recovered from his possession was found to contain 1550 grams of charas, out of which 150 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 prior spy information and sufficient opportunity, no independent private mashir was associated with the alleged recovery, although the place of arrest was accessible to the public. He further submitted that the applicant was allegedly picked up by police officials prior to the registration of the present case and, in support of such plea, reliance has been placed upon an application stated to have been moved by the applicant's brother before the SSP Karachi (South). 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 has also been contended on behalf of the applicant that prior to registration of the present case, he had been taken away by police officials and, in support thereof, reference has been made to an application allegedly submitted by his brother before the SSP Karachi (South). 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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