

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-132 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Amir Ali S/o Abdul Razzaque Bozdar,
through Mr. Alam Sher Khan Bozdar,
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, Amir Ali Bozdar, seeks post-arrest bail in Crime No.43 of 2026, registered at Police Station Daharki, District Ghotki, 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, Ghotki, vide order dated 25.03.2026.

2. Briefly stated, the prosecution case is that on 11.03.2026 at 11:40 p.m., complainant SIP Manzoor Ahmed Mirani lodged the F.I.R. alleging that while he, along with his subordinate staff, was on patrol duty, he received spy information regarding the availability of two persons carrying Charas. Acting upon such information, the police party proceeded to the pointed place where, in the light of the official vehicle, they allegedly saw two persons standing with shoppers in their hands. Upon seeing the police party, both allegedly attempted to flee but were apprehended. It is alleged that due to non-availability of private mashirs, PC Niaz Ahmed and PC Danish were appointed as mashirs of recovery. On inquiry, one person disclosed his name as Abdul Rauf, while the other disclosed his identity as Amir Ali, the present applicant. The shopper allegedly recovered from the possession of the applicant was found to contain 1200 grams of Charas, out of which 400 grams were separated as sample and the remaining quantity was sealed at the spot. Thereafter, the accused persons along with the recovered contraband were

brought to the police station, where the F.I.R. was formally registered on 12.03.2026 at 01:30 a.m.

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 mother of the applicant, namely Mst. Khanyal, had filed Criminal Miscellaneous Application No.14 of 2026 under Section 491 Cr.P.C. before the Court of learned Additional Sessions Judge-I, Mirpur Mathelo, on 11.03.2026, alleging that the applicant had been taken away by police officials from the road near Maso Wah while he was travelling on a motorcycle. Learned counsel further contended that the applicant has no previous criminal record, is not a habitual offender, and the case calls for 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 have perused 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 trial. It is an admitted position that the police party allegedly acted upon prior spy information regarding the availability of the accused persons at the pointed place; however, no independent private mashir was associated with the recovery proceedings and only police officials were cited as mashirs. While non-association of private witnesses is not by itself fatal to the prosecution case, yet, in the facts and circumstances of the present case, it constitutes a circumstance requiring deeper appreciation during trial. Furthermore, the applicant has placed on record the fact that a petition under Section 491 Cr.P.C. was allegedly filed by his mother on the same date, asserting that he had earlier been taken away by

police officials. The evidentiary value and effect of such plea shall, of course, be determined by the trial Court at the appropriate stage; however, at this tentative stage, the same cannot altogether be ignored. 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) 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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