

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-130 of 2026

Before;

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

Applicant : Deedar Ali S/o Rano Khan, Kalari,
through Ms. Aaraf Soomro associate of Mr.
Shabbir Ali 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, Deedar Ali son of Rano Khan, seeks post-arrest bail in Crime No.138 of 2026, registered at Police Station Kandiaro, District Naushahro Feroze, for an offence punishable under Section 9(i), Sr. No.3(b) 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 13.05.2026.

2. Briefly stated, the prosecution case is that on 03.05.2026 at about 1100 hours, complainant ASI Abdul Razak Mallah lodged the F.I.R., alleging that while he along with his subordinate staff was on patrolling duty and reached Kandhar Link Road near the Otaq of Ismail Kalari, they noticed a person carrying a shopper in his hand coming onto the road from the eastern side. Upon seeing the police party, he allegedly attempted to slip away but was apprehended. It is alleged that due to non-availability of private mashirs, PC Ahsan Ali Sahito and PC Pir Bux Ujjan were appointed as mashirs. On inquiry, the apprehended person disclosed his identity as Deedar Ali son of Rano Khan Kalari. The shopper allegedly recovered from his possession was searched and found to contain charas weighing 530 grams, which 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 lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in this case. He argued that despite the alleged recovery having been effected at a public place during daytime, no independent private mashir was associated. He further submitted 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 charas was recovered from his exclusive possession; and that the recovered contraband was duly sealed at the spot, therefore, he 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, the alleged quantity does not fall within the prohibitory clause, the recovery is yet to be established through legally admissible evidence at the trial. The alleged recovery was effected at a public place during daytime; however, no independent private mashir was associated and the mashirnama has been witnessed only by police officials. Though non-association of private witnesses by itself is not sufficient to discard the prosecution case, yet at this tentative stage it constitutes a circumstance requiring deeper appreciation during trial. The applicant is stated to be a first offender and no previous criminal record has been brought on record. He is in judicial custody, investigation appears to have been completed and he is no longer required for further investigation. Furthermore, nothing has been shown suggesting that the applicant is likely to abscond or tamper with the prosecution evidence if released on bail. The question regarding competency of the complainant to lodge the F.I.R., if raised, shall be examined by the learned trial Court strictly in accordance with

law. In these circumstances, the case of the applicant appears to call for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Reliance is placed upon the case of Muhammad Abid Hussain vs. The State and another (2025 SCMR 721).

6. 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 tentative in nature and shall not prejudice the case of either party at the trial.

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