

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D- 89 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Shakeel Anwar S/o Anwar Ali Tunio
through Mr. Shah Muhammad Bango,
Advocate.

The State : Through Mr. Shafi Muhammad Mahar, Deputy
PG for the State

Date of Hearing : **03.06.2026**
Date of Order : **03.06.2026**

ORDER

Abdul Hamid Bhurgri J.- The applicant, Shakeel Anwar S/o Anwar Ali Tunio, seeks post-arrest bail in Crime No.55 of 2026, registered at Police Station Gambat, District Khairpur Mirs, for an offence punishable under Section 9(i) read with Section 1(D) 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 Special Judge (CNS), Khairpur Mirs, vide order dated 19.03.2026.

2. Precisely stated, the prosecution case is that on 04.03.2026 at about 0200 hours, complainant SIP Bahadur Ali Larik lodged the F.I.R., alleging therein that while he, along with his subordinate staff, was on patrol duty and reached near Village Abu Bakar Solangi, they received spy information that two persons were standing on the northern side link road near Panj-Number Shakh and bags containing bhang were lying beside them. Acting upon such information, the police party proceeded to the pointed place and, in the light of the official vehicle, noticed two persons standing there with bags lying beside them. The vehicle was stopped and the suspects were asked to surrender; however, they allegedly attempted to flee but were apprehended. It is further alleged that owing to the non-availability of private mashirs, ASI Ghulam

Asghar and PC Riaz Hussain were associated as mashirs. Upon inquiry, the apprehended persons disclosed their names as Shakeel Anwar and Faheem. It is alleged that one black-coloured bag contained 20,500 grams of bhang and one yellow-coloured bag contained 10,500 grams of bhang. From each bag, 500 grams were separated as samples and sealed at the spot, while the remaining contraband was sealed separately. Thereafter, the applicant and the recovered contraband were 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 submitted that no video recording or photographs of the alleged recovery and arrest were made, rendering the prosecution story doubtful. He further argued that the alleged contraband was not recovered from the physical possession of the applicant. Learned counsel submitted that the applicant is a worker of PML (F) in Taluka Gambat and that in the year 2024, the police had raided his house, whereupon his wife, Mst. Sara Taj Tunio, filed Criminal Miscellaneous Application No.1052 of 2024 under Sections 22-A and 22-B Cr.P.C. before the learned Ex-Officio Justice of Peace, Khairpur Mirs. According to him, the police and rival political elements have, therefore, become hostile towards the applicant. He further contended that the applicant is a disabled person and is unable to walk properly due to impairment of his legs. He lastly argued that the applicant has made out a case for grant of bail.

4. Conversely, learned Deputy Prosecutor General opposed the bail application and submitted that the applicant is specifically nominated in the F.I.R., was apprehended at the spot, and a substantial quantity of bhang was recovered from his possession. According to him, sufficient material is

available on record connecting the applicant with the commission of the alleged offence and, 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. The allegation against the applicant is that while he, along with co-accused Faheem, was present on the road leading from Gambat to Agra near Panj-Number Shakh, two bags containing bhang were lying beside them. It is alleged that both accused attempted to flee on seeing the police party but were apprehended at the spot and, upon search, two bags containing 20,500 grams and 10,500 grams of bhang respectively, aggregating 31,000 grams, were recovered and secured in accordance with the prosecution case.

6. At the bail stage, the Court is required to tentatively assess whether there exist reasonable grounds for believing that the accused is connected with the commission of the offence alleged against him. In the present case, the applicant is specifically named in the F.I.R., was allegedly apprehended at the spot, and a substantial quantity of narcotics is stated to have been recovered from his possession. At this stage, the material collected by the prosecution prima facie furnishes reasonable grounds connecting the applicant with the commission of the alleged offence.

7. The contentions advanced by learned counsel for the applicant regarding non-association of private mashirs, absence of videography or photography of the alleged recovery, his political affiliation, previous litigation with the police, and his physical disability are matters requiring deeper appreciation of evidence. At this stage, such pleas do not appear sufficient to dislodge the prima facie effect of the prosecution material or bring the case within the ambit of further inquiry. Needless to observe that these aspects shall

be examined by the learned trial Court strictly in accordance with law at the appropriate stage.

8. In the circumstances, and without expressing any opinion on the merits of the case, we are of the tentative view that reasonable grounds exist for believing that the applicant is connected with the commission of the alleged offence and that the case does not call for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Consequently, the instant bail application is dismissed.

9. However, the learned trial Court is directed to proceed with the trial expeditiously and make every endeavour to conclude the same preferably within a period of three months from the date of receipt of this order. No unnecessary adjournment shall be granted to either side and, where any adjournment becomes unavoidable, reasons thereof shall be recorded in the order sheet.

10. 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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