

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-128 of 2026

### Before;

*Mr. Justice Adnan-ul-Karim Memon*

*Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Mst. Rabia Gadani,  
through Mr.Rukhsar Ahmed Junejo, Advocate.

The State : Through Mr. Shafi Muhammad Mahar,  
Deputy P.G for State.

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

### ORDER

**Abdul Hamid Bhurgri J.-** The applicant, Mst. Rabia Gadani wife of Gul Hassan alias Dadu Gadani, seeks post-arrest bail in Crime No.65 of 2026, registered at Police Station New Pind, District Sukkur, for an offence punishable under Section 9(3) of the Sindh Control of Narcotic Substances Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025, after dismissal of her post-arrest bail application by the learned Additional Sessions Judge-IV (Hudood)/Special Judge for CNS Cases, Sukkur, vide order dated 08.05.2026.

**2.** Briefly stated, the prosecution case is that on 02.05.2026 at about 3:00 p.m., complainant SIP Aijaz Hassan lodged the F.I.R., alleging that while he, along with his subordinate staff, was on patrol duty and reached near the graveyard at New Pind, Chona Bhatta, Sukkur, they noticed a woman carrying a white-coloured shopper. Upon seeing the police party, she allegedly attempted to flee but was apprehended. The shopper was taken into custody and was found to contain one big piece of charas. It is alleged that due to the non-availability of private mashirs, HC Ashique Ali and PC Ghulam Murtaza were appointed as mashirs of recovery. On inquiry, the woman disclosed her identity as Mst. Rabia wife of Gul Hassan alias Dadu Gadani, resident near Excise Office, Sukkur, and allegedly stated that she sold charas to earn her livelihood. Her personal search was conducted through LPC Shabana, from whose search nothing incriminating was recovered except the alleged contraband. The recovered charas was weighed and found to be 1040 grams, from which sample was separated and the remaining quantity was sealed at

the spot. Thereafter, the applicant 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 although the alleged recovery was effected during daytime at a public place, no independent private mashir was associated with the recovery proceedings. He further submitted that the applicant has been involved in the present case at the behest of her rivals, as a murder case under Section 302, P.P.C. is pending between the parties. Learned counsel further contended that the applicant has no previous criminal record and that the facts and circumstances of the case call 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 1040 grams of charas was recovered from her exclusive possession, and that the recovered contraband was duly sealed at the spot. According to him, sufficient material is available connecting the applicant with the commission of the alleged offence and, therefore, she is not entitled to the concession of bail.

**5.** We have heard learned counsel for the parties and examined the material available on record. Admittedly, the alleged recovery of 1040 grams of charas falls within the prohibitory clause of the law. However, at the bail stage, the Court is required only to tentatively assess whether reasonable grounds exist for believing that the accused is guilty of the offence charged or whether the case calls for further inquiry. The record reflects that the alleged recovery was effected during daytime at a place accessible to the public, yet no independent private person was associated with the recovery proceedings and only police officials have been cited as mashirs. Although non-association of private witnesses is not by itself sufficient to discard the prosecution case, nevertheless, in the peculiar facts and circumstances of the present case, it constitutes a circumstance requiring deeper appreciation of evidence during trial. The applicant is stated to have no previous criminal record and no material to the contrary has been brought on record. Furthermore, the

investigation has already been completed, the applicant is in judicial custody, and no further recovery is required to be effected from her. In these circumstances, the question as to whether the prosecution would ultimately be able to establish the charge against the applicant can only be determined after recording evidence at the trial. Reliance in this regard may be placed on the case of **Muhammad Abid Hussain v. The State and another (2025 SCMR 721)**.

**6.** In the cumulative effect of the circumstances discussed above, and without expressing any opinion on the merits of the case, we are of the tentative view that the case of the applicant calls for further inquiry within the contemplation 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 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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