

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-122 of 2026

Before;

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

Applicant : Mst. Tajul 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. Tajul Gadani wife of Qasim Gadani, seeks post-arrest bail in Crime No.133 of 2026, registered at Police Station A-Section, 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 10:00 a.m., complainant SIP Sabo Lal Oad lodged the F.I.R., alleging that while he, along with his subordinate staff, was on patrol duty and reached Chorki Street, 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. It is alleged that due to the non-availability of private mashirs, PCs Asadullah and Salamat Ali were appointed as mashirs of recovery. On inquiry, the woman disclosed her identity as Mst. Tajul wife of Qasim Gadani, resident near Excise Office, Sukkur. Her personal search was conducted through LPC Rasheeda Bano, from whose search nothing incriminating was recovered except the alleged contraband. The recovered charas was weighed and found to be 1035 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 busy 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 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 1035 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 1035 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 busy public place, 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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