

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-65 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Muhammad Ishaque S/o Nabi Bux Brohi,
through Mr. Shakeel /Ahmed Abro, Advocate

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

Date of Hearing : **09.06.2026**
Date of Order : **09.06.2026**

ORDER

Abdul Hamid Bhurgri J.- The applicant, Muhammad Ishaque son of Nabi Bux Brohi, seeks post-arrest bail in Crime No.20 of 2026, registered at Police Station Mehrabpur, District Naushahro Feroze, for an offence punishable under Section 9(i), Schedule 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, Naushahro Feroze, vide order dated 05.03.2026.

2. Briefly stated, the prosecution case is that on 18.02.2026 at about 1430 hours, complainant ASI Shah Muhammad Rind lodged the F.I.R., alleging therein that while he, along with his subordinate staff, was on patrol duty and reached Sialabad near Pir Musafir, they noticed a person carrying a black shopper in his hand. Upon seeing the police party, he allegedly attempted to flee but was apprehended. Owing to the non-availability of private mashirs, HC Muhammad Younis and PC Azizullah were associated as mashirs of recovery. On inquiry, the apprehended person disclosed his identity as Muhammad Ishaque son of Nabi Bux Brohi. The shopper allegedly recovered from his possession was found to contain charas weighing, in aggregate, 1,518 grams. After completing the codal formalities at the spot, 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 been falsely implicated in the present case. He submitted that despite the alleged recovery having been effected from a place accessible to the public, no independent private mashir was associated with the proceedings. He further argued that one police official, namely PC Noor Muhammad Khand, posted at Police Station Mehrabpur, had prior differences with the applicant and, owing to such animosity, managed his implication in the present case. Learned counsel further submitted that the applicant has no previous criminal record, is not a habitual offender, 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 a substantial quantity of charas was recovered from the exclusive possession of the applicant; that the recovered contraband was duly sealed; and that sufficient material is available connecting the applicant with the commission of the offence. According to him, no case for grant of bail is made out.

5. We have heard learned counsel for the parties and examined the available record. At this stage, the Court is not required to conduct a detailed examination of the evidence; rather, it is to assess whether reasonable grounds exist for believing that the applicant is guilty of the offence alleged against him. Admittedly, the alleged recovery was effected at a place accessible to the public, yet no independent person was associated with the recovery proceedings and only police officials have been cited as mashirs. Though such omission by itself may not be sufficient to discard the prosecution case altogether, it nevertheless remains a circumstance requiring deeper appreciation during trial.

6. It is also the defence case that a police official posted at the same police station had prior differences with the applicant and played a role in his implication. The truth or otherwise of such plea can only be determined after the parties lead evidence before the trial Court. At this tentative stage, however, the said plea cannot be brushed aside without examination.

7. The record further reflects that the investigation has been completed and the applicant is presently in judicial custody. He is no longer required for any investigative purpose. Nothing has been brought on record to indicate that he is a previous convict, a habitual offender, or that, if released on bail, he would abscond or tamper with the prosecution evidence. The case, therefore, appears to require deeper appreciation of evidence which is the exclusive domain of the trial Court. Reliance is placed on the case of **Muhammad Abid Hussain v. The State and another (2025 SCMR 721)**.

8. In the cumulative circumstances of the case, and without expressing any opinion on the merits of the matter, 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 Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025. Accordingly, the instant bail application is allowed and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

9. The learned trial Court is directed to proceed with the matter expeditiously and endeavour to conclude the trial preferably within a period of three months from the date of receipt of this order, without granting unnecessary adjournments to either side except for reasons to be recorded.

10. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the trial.

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