

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-119 of 2026

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Abid Ali S/o Ali Gulab Shar
through Mr. Ghazanfar Abbas Jatoi,
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, Abid Ali son of Ali Gulab Shar, seeks post-arrest bail in Crime No.21 of 2026, registered at Police Station Khuhra, District Khairpur Mir's, 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, Khairpur Mir's, vide order dated 30.04.2026.

2. Briefly stated, the prosecution case is that on 08.03.2026 at about 11:00 p.m., complainant SIP Agha Abid Ali Pathan, SHO Police Station Khuhra, lodged the F.I.R., alleging therein that while he, along with his subordinate staff, was on patrol duty and reached a kacha path leading towards Village Pehlwan near Shar Bridge, they noticed a person carrying a black shopper in his hand and standing on the bridge. Upon seeing the police party, he allegedly attempted to flee but was apprehended along with the shopper. It is alleged that owing to the non-availability of private mashirs, ASI Faheem Ahmed Maitlo and PC Fayaz Hussain were associated as mashirs of arrest and recovery. On inquiry, the apprehended person disclosed his identity as Abid Ali son of Ali Gulab Shar, resident of Village Bangul Khan Shar, Taluka Gambat. The shopper allegedly recovered from his possession was found to contain 2030 grams of

charas, which 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 been falsely implicated in the present case. He submitted that although the alleged recovery was effected from a place accessible to the public, no independent private mashir was associated with the recovery proceedings. He further submitted that the applicant has no previous criminal record. In support of his contention, learned counsel placed on record a certified copy of the judgment dated 30.03.2026 passed by the learned Additional Sessions Judge-I/Special Judge (CNS), Khairpur Mir's, in Special Case No.222 of 2025 (Re: The State v. Abid Ali Shar), arising out of Crime No.47 of 2025 registered at Police Station Kotdiji under the Sindh Control of Narcotic Substances Act, 2024. Learned counsel lastly contended 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 named in the F.I.R.; that 2030 grams of charas was recovered from his 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; 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. Admittedly, the alleged recovery of 2030 grams of charas falls within Schedule 3(c) of the Sindh Control of Narcotic Substances Act, 2024, as amended. However, at the bail stage, the Court is required to undertake only a tentative assessment of the available material in order to determine whether reasonable grounds exist for believing that the accused is guilty of the offence alleged against him or whether the case calls for further inquiry within the meaning of law.

6. A perusal of the record reflects that the alleged recovery was effected from a place stated to be accessible to the public. Despite this, no independent private person was associated with the recovery proceedings and only police officials have been cited as mashirs. Although the testimony of police officials cannot be discarded merely on account of their official status, the absence of independent corroboration in the peculiar facts and circumstances of the present case remains a factor requiring deeper appreciation during trial.

7. It has also been pointed out that no video recording of the alleged recovery proceedings has been brought on record. While the absence of videography may not by itself be fatal to the prosecution case, it nevertheless remains a circumstance which, in conjunction with the other facts of the case, requires consideration at the trial. Learned counsel for the applicant has further placed on record a certified copy of the judgment dated 30.03.2026 passed by the learned Additional Sessions Judge-I/Special Judge (CNS), Khairpur Mir's, in Special Case No.222 of 2025 (Re: The State v. Abid Ali Shar), pertaining to a previously registered case of similar nature. The effect and evidentiary value of the said judgment are matters which may appropriately be considered during trial.

8. The record further shows that the investigation has already been completed, the applicant is presently in judicial custody, and no further recovery is required to be effected from him. Nothing has been brought on record to indicate that the applicant is likely to abscond or tamper with the prosecution evidence if released on bail. Whether the prosecution ultimately succeeds in establishing the charge against the applicant is a matter which can only be determined after recording of evidence before the learned trial Court. Reliance is placed upon **Muhammad Abid Hussain v. The State and another (2025 SCMR 721)**.

9. 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. Consequently, the instant bail application is allowed and the applicant, Abid Ali son of Ali Gulab Shar, 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.

10. The learned trial Court shall proceed with the trial expeditiously and make every endeavour to conclude the same preferably within a period of two 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.

11. In case the applicant misuses the concession of bail in any manner whatsoever, it shall be open to the prosecution to seek cancellation of bail before the competent forum in accordance with law.

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

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