

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-135 of 2026

### **Before:**

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

Applicant : Mst. Gudi W/o Allah Obhayo Abro,  
through Mr. Muhammad Sulleman Kalhoro,  
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, Mst. Gudi wife of Allah Obhayo Abro, seeks post-arrest bail in Crime No.89 of 2026, registered at Police Station Moro, 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 her post-arrest bail application by the learned Sessions Judge/Special Judge for CNS Cases, Naushahro Feroze, vide order dated 11.03.2026.

**2.** Briefly stated, the prosecution case is that on 27.02.2026 at about 10:00 p.m., complainant ASI Abdul Majeed Dahar lodged the F.I.R., alleging therein that while he, along with his subordinate staff, was on patrol duty and reached near Elementary College, Dars Road, they noticed a woman carrying a black shopper. Upon seeing the police party, she allegedly attempted to flee but was apprehended through Lady Police Constable Lal Khatoon. It is alleged that due to the non-availability of private mashirs, LPC Lal Khatoon Sahito and Constable Zulfiqar were associated as mashirs of arrest and recovery. On inquiry, the apprehended woman disclosed her identity as Mst. Gudi wife of Allah Obhayo Abro, resident of Village Dars, Taluka Moro. The shopper

allegedly recovered from her possession was found to contain two pieces of charas weighing 1100 grams in aggregate. Out of the recovered quantity, 100 grams were allegedly separated as sample and the remaining 1000 grams were 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 argued that due to political rivalry, the applicant and her husband were taken away from their house by the police and that, after maltreating her husband, the applicant was implicated 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 the applicant is specifically named in the F.I.R.; that 1100 grams of charas was recovered from her 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, 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. At this stage, the Court is required to undertake only a tentative assessment of the available material to determine whether reasonable grounds exist for believing that the accused is guilty of the offence alleged against her or whether the case calls for further inquiry within the meaning of law.

**6.** Admittedly, 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, yet the absence of independent corroboration in the peculiar facts and circumstances of the case remains a factor requiring deeper appreciation during trial.

**7.** The defence has also taken the plea that owing to political rivalry, the applicant and her husband were picked up from their house and that the applicant was subsequently implicated in the present case. The correctness or otherwise of such plea can only be determined after the parties lead evidence before the learned trial Court. At this tentative stage, however, the said plea cannot be conclusively examined.

**8.** The record further reflects that the investigation has already been completed and the applicant is presently in judicial custody. She is no longer required for any investigative purpose. The applicant is a woman, has no previous criminal record, and is not shown to be a habitual offender. Moreover, nothing has been brought on record to indicate that, if released on bail, she is likely to abscond or tamper with the prosecution evidence. Whether the prosecution ultimately succeeds in establishing the charge against the applicant is a matter which can only be determined after recording of evidence at the trial. 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, Mst. Gudi wife of Allah Obhayo Abro, 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 three months from the date of receipt of this order. No unnecessary

adjournment shall be granted to either side and, if any adjournment becomes unavoidable, reasons thereof shall be recorded in the order sheet.

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

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ARBROHI/PS