

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-86 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Muhammad Afzal S/o Rab Nawaz alias Papoo Chandio, through Mr. Rukhsar Ahmed M. Junejo, Advocate

The State : Through Mr. Aftab Ahmed Shar, Additional P.G for State.

Date of Hearing : **08.06.2026**

Date of Order : **08.06.2026**

ORDER

Abdul Hamid Bhurgri J.- The applicant, Muhammad Afzal S/o Rab Nawaz alias Papoo Chandio, seeks post-arrest bail in Crime No.95 of 2026, registered at Police Station Shaheed Murtaza Mirani, District Khairpur Mirs, 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 Mirs, vide order dated 25.03.2026.

2. Briefly stated, the prosecution case is that on 16.03.2026 at about 07:00 a.m., complainant SIP Kifayatullah Narejo lodged the F.I.R., alleging that while he, along with his subordinate staff, was on patrol duty and reached near Pir Pagara Flour Mill, one person suddenly emerged onto the road from the southern side and, upon noticing the police party, attempted to flee but was apprehended after a short chase while carrying a plastic bag. It is alleged that due to non-availability of private mashirs, PC Muhammad Rafique and PC Altaf Hussain were appointed as mashirs. Upon inquiry, the apprehended person disclosed his identity as Muhammad Afzal S/o Rab Nawaz Chandio. The recovered charas was weighed and found to be 1120 grams, from which a sample was separated and sealed. Thereafter, the accused 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 submitted that despite the alleged recovery having been effected at a place accessible to the public, no independent private witness was associated with the recovery proceedings. He further argued that the alleged contraband has been foisted upon the applicant at the instance of influential persons of the locality. Learned counsel further submitted that the applicant is not a habitual offender, has no previous criminal record, and that the case falls within the ambit of further inquiry.

4. Conversely, learned Additional Prosecutor General opposed the bail application and submitted that the applicant is specifically nominated in the F.I.R. and that 1120 grams of charas was recovered from his possession. He contended that sufficient material is available on record connecting the applicant with the commission of the alleged offence and, 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 falls within the prohibitory clause of the law. However, at the bail stage, the Court is not required to undertake a deeper appreciation of evidence and is only to tentatively assess whether reasonable grounds exist for believing that the accused is guilty of the offence charged. The material presently available on record reflects that the prosecution case primarily rests upon the alleged recovery witnessed by members of the police party. The occurrence is stated to have taken place at a location accessible to the public; however, no independent person was associated with the recovery proceedings. Whether the explanation furnished by the prosecution in this regard is satisfactory or otherwise is a matter requiring evidence and can more appropriately be examined by the trial Court after recording evidence. It is further not the case of the prosecution that the applicant is a previous convict or is involved in any similar offence. The investigation has already been completed, the applicant is in judicial custody and no further recovery is required from him. Therefore, 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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