

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-41 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Abdul Qudoos S/o Abdul Ghafoor
through Mr. Muhammad Ali Napar, Advocate.

The State : Through Mr. Aijaz Ali Bhatti, Special
Prosecutor, ANF Sukkur

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

ORDER

Abdul Hamid Bhurgri J.- The applicant, Abdul Qudoos S/o Abdul Ghafoor, seeks post-arrest bail in Crime No. 15 of 2024, registered at Police Station "ANF" Sukkur, for an offence punishable under Section 9(i), 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 Special Judge (CNS) /Additional Sessions Judge-I, Sukkur vide order dated 02.02.2026.

2. Briefly stated, the prosecution case is that on 14.11.2024 at about 0630 hours, Sub-Inspector Asad Ali of Police Station, ANF Sukkur lodged the F.I.R., alleging that while he, along with his subordinate staff, was available at Police Station, where they reached spy information from the high ups that smuggler Abdul Qudoos is coming from Balochistan to Sukkur on Mazda Hino Truck Bearing Registrtration No.TKH-368 of white colour by smuggling huge quantity of narcotics in the secret box of truck and will sell to the customers. Upon receiving such information, he constituted raiding party and went to the pointed place along with investigation kit. When they reached near HD Family Restaurant, Shikarpur Road, Sukkur and parked their vehicle on a suitable place and started checking the Trucks and Mazdas, when it was 0730 hours, they noticed that the same truck Mazda bearing No.TKH-368 was coming from

Shikarpur side, one person was available on the driving seat, we got stopped it and alighted the person from truck. Thereafter we asked the persons available for acting as mashirs, but they did not act and refused, hence PC Shahid Ahmed and PC Tariq Mehmood were appointed as mashirs. On inquiry, the apprehended person disclosed his identity as Abdul Qudoos S/o Abdul Ghafoor R/o Qalibabkani, Kanak PO Kanak, Tehsil and District Mastung and then he himself opened the fuel tank of Mazda on the left side of vehicle and took out 207 multi colour packets EAST AFRICAN written on it and 78 packets of yellow colour CAFÉ BUSTALO written total 285 packets. Thereafter 207 packes were sealed with label as Serial No.1 to 207 and remaining 78 packets of yellow colour were sealed with lebel as serial No.208 to 285. Thereafter all the packets were weighted, each become one kilogram total 285 kilograms,10/10 grams of charas was sealed separately from each packet for the purpose of chemical analysis. Thereafter, the applicant along with the recovered contraband and Mazda truck 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 contended that the alleged charas has not been recovered from the exclusive possession of the applicant, as it was recovered from the secret cavity / fuel tank. He argued that though there was prior information, no independent private mashir was associated with the alleged recovery despite the place of arrest being accessible to the public. He also contended that there is no video recording of the alleged recovery of Charas. He further submitted that the applicant has no previous criminal record and that the facts and circumstances of the case call for further inquiry.

4. Conversely, learned Special Prosecutor, ANF opposed the bail application and submitted that the applicant is specifically nominated in the F.I.R., that a huge quantity of narcotics of 285 kilograms of charas was recovered from his possession duly kept in the fuel tank and it was recovered at the pointation of the accused, 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, 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. The allegation against the applicant is that while he was driving Mazda Truck bearing Registration No. TKH-368, a huge quantity of narcotics, i.e., 285 kilograms of charas, was recovered from a concealed compartment/fuel tank of the vehicle. The prosecution case further reflects that the recovery was effected from the vehicle under the control of the applicant and that the concealed compartment was opened at his pointation.

6. At the bail stage, the Court is required to tentatively assess whether there exist reasonable grounds for believing that the accused is connected with the commission of the offence alleged against him. In the present case, the recovery of an exceptionally large quantity of charas from the vehicle being driven by the applicant prima facie furnishes reasonable grounds connecting him with the offence. The questions as to the extent of his knowledge, conscious possession, or ultimate culpability are matters which can only be conclusively determined after recording of evidence during trial.

7. The submissions advanced by learned counsel for the applicant regarding non-association of private mashirs, absence of videography, and recovery from a concealed portion of the vehicle do not, at this stage, appear sufficient to displace the prima facie effect of the prosecution material,

particularly in view of the nature and magnitude of the alleged recovery. These aspects shall, however, remain subject to deeper scrutiny during the course of trial.

8. In the circumstances, and without expressing any opinion on the merits of the case, we are of the tentative view that reasonable grounds exist for believing that the applicant is connected with the commission of the alleged offence and that the case does not call 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 dismissed.

9. However, the learned trial Court is directed to 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, where any adjournment becomes unavoidable, reasons thereof shall be recorded in the order sheet.

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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