

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D- 83 of 2026

Before:

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

Applicant : Muhammad Yahya S/o Hakim Channa,
through Mr. Sohail Ahmed Khoso,
Advocate.

The State : Through Mr. Khalil Ahmed Maitlo, Deputy
PG for the State

Date of Hearing : **15.06.2026**
Date of Order : **15.06.2026**

ORDER

Abdul Hamid Bhurgri J.- The applicant, Muhammad Yahya S/o Hakim Chana, seeks post-arrest bail in Crime No.57 of 2026, registered at Police Station Tando Masti Khan, District Khairpur Mir's, for an offence punishable under Section 9(i) read with Section 2(D) of the Sindh Control of Narcotic Substances Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025, and Section 427, P.P.C., after dismissal of his post-arrest bail application by the learned Special Judge (CNS), Khairpur Mir's, vide order dated 24.03.2026.

2. Briefly stated, the prosecution case is that on 09.03.2026 at about 2300 hours, complainant ASI Ghulam Mustafa Kandhro lodged the F.I.R., alleging that while he, along with his subordinate staff, was on patrol duty and reached Dua Chowk at Drib Mehar Shah–Khairpur NHA Road, they received spy information that two persons were coming from Larkana side in Alto Car bearing registration No.BYT-803 carrying bhang. Acting upon such information, the police party proceeded towards the pointed place and noticed the said vehicle approaching at high speed. It is alleged that despite signal to stop, the vehicle did not stop and collided with the police mobile. Thereafter, two persons allegedly got down from the vehicle and

attempted to flee. One of them, namely Shaman alias Khamiso Mari, escaped, whereas the present applicant, who was allegedly driving the vehicle, was apprehended at the spot. Upon search of the vehicle, six bags containing bhang, each weighing 20 kilograms, aggregating 120 kilograms, were allegedly recovered. Samples were drawn and sealed at the spot and thereafter the present crime 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 no independent mashir was associated with the alleged recovery and no video recording or photographs of the proceedings were made. He further argued that the contraband was not recovered from the physical possession of the applicant and that there is an unexplained delay of six days in dispatch of the samples to the chemical examiner. According to him, the case falls within the ambit of further inquiry and the applicant is entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General opposed the application and submitted that the applicant was apprehended at the spot while allegedly driving the vehicle from which 120 kilograms of bhang was recovered. He argued that sufficient incriminating material is available on record connecting the applicant with the commission of the offence and, therefore, no case for grant of bail is made out.

5. We have heard learned counsel for the parties and examined the material available on record with their assistance.

6. The record prima facie reflects that the applicant is specifically named in the F.I.R., was allegedly apprehended at the spot and was

allegedly driving the vehicle from which six bags containing bhang weighing 120 kilograms in aggregate were recovered. The quantity allegedly recovered is substantial. At the bail stage, the Court is only required to tentatively assess whether reasonable grounds exist for believing that the accused is connected with the commission of the offence. The material presently available on record prima facie furnishes such reasonable grounds.

7. The contention that the contraband was not recovered from the physical possession of the applicant does not presently advance his case. According to the prosecution, the applicant was apprehended while driving the vehicle from which the narcotics were allegedly recovered. Whether the applicant was in conscious possession of the contraband and the evidentiary value of such allegation are matters which require recording and appreciation of evidence at trial and cannot be conclusively determined at this stage.

8. As regards the objection concerning non-association of private mashirs, the occurrence is alleged to have taken place at about 11:00 p.m. during patrol duty. The prosecution has explained that private persons were not available and, therefore, police officials were associated as mashirs. At this stage, such explanation cannot be discarded outright. Likewise, absence of videography or photography of the recovery proceedings, by itself, is not sufficient to negate the prima facie effect of the prosecution material, particularly when the law does not make such evidence a mandatory prerequisite for a valid recovery.

9. The contention regarding delay of six days in dispatch of samples to the chemical examiner has also been considered. However, no material has been brought on record at this stage to indicate that the sealed parcels were tampered with or that the chain of custody was broken during the intervening period. Therefore, the said circumstance, standing alone, does not presently create reasonable doubt in the prosecution case so as to bring the matter within the scope of further inquiry.

10. The contentions raised on behalf of the applicant involve questions relating to appreciation of evidence and determination of factual controversies, which can only be resolved after recording evidence at the trial. At this stage, such pleas do not appear sufficient to dislodge the prima facie case reflected from the record.

11. For the foregoing reasons, 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.

12. The learned trial Court is, however, directed to proceed with the matter expeditiously and make every endeavour to conclude the trial 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.

13. 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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ARBROHI/PS