

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-125 of 2026

Before:

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

Applicant : Munawar Ali S/o Rasool Bux Lashari,
through Mr. Yamin Ali Khoso, Advocate.

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

Date of Hearing : 17.06.2026
Date of Order : 17.06.2026.

ORDER

Abdul Hamid Bhurgri J.- The applicant, Munawar Ali son of Rasool Bux Lashari, seeks post-arrest bail in Crime No.472 of 2025, registered at Police Station Moro, District Naushahro Feroze, for an offence punishable under Sections 9(i) and 3(b) 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, Naushahro Feroze, vide order dated 09.12.2025.

2. Precisely stated, the prosecution case is that on 27.10.2025 at about 1000 hours, complainant ASI Nek Muhammad Chandio lodged the F.I.R., alleging therein that while he along with his subordinate staff was on patrolling duty and reached at Taluka Board on Naushahro Feroze-Bhiria Road, they noticed a person standing on the road. Upon seeing the police party, he allegedly attempted to slip away but was apprehended. It is alleged that due to non-availability of private mashirs, PC Faisal Munir and PC Abdul Hafeez were appointed as mashirs. On inquiry, the apprehended person disclosed his identity as Munawar Ali son of Rasool Bux Lashari,

resident of Lunda Mori, Taluka Kandiaro. On his personal search, a shopper containing fourteen pieces of charas weighing 530 grams was allegedly recovered from his possession, which was sealed at the spot. Thereafter, the accused along with the recovered contraband was brought to the police station, where the present F.I.R. was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in this case. He argued that despite the alleged recovery having been effected at a public place during daytime, no independent private mashir was associated with the proceedings. He further submitted that there is delay in transmission of the recovered contraband to the Chemical Examiner, which creates doubt regarding the safe custody and safe transmission of the case property. He lastly contended that the applicant is entitled to the concession of bail as 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.; that charas was recovered from his exclusive possession; and that the recovered contraband was duly sealed at the spot. He therefore prayed for dismissal of the bail application.

5. We have heard learned counsel for the parties and examined the material available on record. Prima facie, the alleged recovery from the applicant consists of 530 grams of charas, which does not fall within the prohibitory clause. The prosecution evidence is yet to be tested through cross-examination and the alleged recovery is still to be established through legally admissible evidence at the trial.

6. The record further reflects that the alleged recovery was effected at a public place during daytime; however, no independent private mashir was associated with the proceedings and the mashirnama has been witnessed only by police officials. Though non-association of private witnesses by itself may not be sufficient to discard the prosecution case, yet at this tentative stage it constitutes a circumstance requiring deeper appreciation during trial. Learned counsel for the applicant has also pointed out delay in transmission of the recovered contraband to the Chemical Examiner. The effect and consequence of such delay, if any, shall likewise be determined by the learned trial Court after recording evidence.

7. It is true that the C.R.O. produced by the prosecution reflects involvement of the applicant in several criminal cases; however, mere registration of criminal cases, in the absence of material showing previous conviction, would not by itself disentitle an accused from seeking the concession of bail in a case otherwise falling within the ambit of further inquiry. The applicant is in judicial custody, the investigation appears to have been completed and he is no longer required for any further investigative purpose. Nothing has been brought on record suggesting that if released on bail, he would abscond or tamper with the prosecution evidence.

8. In the circumstances, the guilt 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. Reliance is placed upon the case of **Muhammad Abid Hussain v. The State and another (2025 SCMR 721)**.

9. Accordingly, the instant bail application is allowed and the applicant, Munawar Ali son of Rasool Bux Lashari, 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.

10. The learned trial Court is directed to conclude the trial and decide the case preferably within a period of three (03) months from the date of receipt of this order, strictly in accordance with law and without being influenced by any observation made herein. The parties shall cooperate with the learned trial Court and shall not seek unnecessary adjournments.

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

J U D G E

J U D G E