

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-150 of 2026

Before:

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

Applicant : Deedar Shah S/o Imdad Shah,
through Mr. Faiz Muhammad Brohi,
Advocate.

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

Date of Hearing : 17.06.2026
Date of Order : 17.06.2026.

ORDER

Abdul Hamid Bhurgri J.- The applicant, Deedar Shah son of Imdad Shah, seeks post-arrest bail in Crime No.75 of 2026, registered at Police Station Tharushah, District Naushahro Feroze, 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 Sessions Judge/Special Judge for CNS Cases, Naushahro Feroze, vide order dated 08.05.2026.

2. Briefly stated, the prosecution case is that on 21.04.2026 at about 1400 hours, complainant ASI Manzoor Ali Ujjan lodged the F.I.R., alleging therein that while he along with his subordinate staff was on patrolling duty and reached near Porti Octroi, Shaheed Tharushah, 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 Abdul Rehman and PC Imran Ali were appointed as mashirs. On inquiry, the apprehended person disclosed his identity as Deedar Shah son of Imdad Shah. During his personal search, a black shopper allegedly containing one piece of charas weighing 510 grams was 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 the applicant is a first 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.; 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 have examined the material available on record. At this tentative stage, it appears that the alleged recovery from the applicant consists of 510 grams of charas. Prima facie, the quantity allegedly recovered does not fall within the prohibitory clause. The applicant is stated to be a first offender and no previous criminal record has been brought on record by the prosecution. The investigation appears to have been completed and the applicant is no longer required for any further investigative purpose.

6. The record further reflects that the alleged recovery was effected at a public place during daytime. Although the mashirnama has been witnessed only by police officials on the plea of non-availability of private persons, the evidentiary worth and effect of such explanation would require deeper appreciation during trial after recording of evidence. At this stage, such circumstance constitutes a factor requiring further probe. The

prosecution evidence is yet to be tested through cross-examination before the learned trial Court.

7. Nothing has been brought on record to indicate that if released on bail, the applicant would abscond, tamper with the prosecution evidence or influence the prosecution witnesses. In the circumstances of the case, 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)**.

8. Accordingly, the instant bail application is allowed and the applicant, Deedar Shah son of Imdad Shah, 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.

9. The observations made hereinabove are purely tentative in nature and shall not influence the learned trial Court while deciding the case on its own merits.

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