

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. D-143 of 2026

Before;

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Asif S/o Manzoor Ghanghro,
through Mr.J. K Jarwar, Advocate.

The State : Through Mr. Shafi Muhammad Mahar,
Deputy P.G for State.

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

ORDER

Abdul Hamid Bhurgri J.- The applicant, Asif son of Manzoor Ghanghro, seeks post-arrest bail in Crime No.315 of 2025, registered at Police Station Kandiaro, District Naushahro Feroze, for an offence punishable under Section 9(i), Schedule 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 23.12.2025.

2. Briefly stated, the prosecution case is that on 03.12.2025 at about 09:00 a.m., complainant ASI Bakht Ali Abbasi lodged the F.I.R., alleging therein that while he, along with his subordinate staff, was on patrol duty and reached Link Road Kamaldero at Fatima Morr, they noticed two persons standing there carrying shoppers. Upon their apprehension, they disclosed their identities as Asif son of Manzoor Ghanghro and Bashir Ahmed son of Sher Muhammad Kalhoro. It is alleged that owing to the non-availability of private mashirs, PC Rajab Ali and PC Ahsan were associated as mashirs of arrest and recovery. The charas allegedly recovered from the possession of each accused was weighed separately and found to be 500 grams. After completing the codal formalities, the recovered contraband was sealed and later sent for chemical analysis. Thereafter, the applicant and the recovered contraband were 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 the present case. He submitted that although the alleged recovery was effected during daytime from a place accessible to the public, no independent private mashir was associated with the recovery proceedings. He further argued that the applicant runs a tyre puncture shop near NHA, Kandiaro, and that due to his refusal to provide free services to the police, he incurred the displeasure of the complainant party and has consequently been implicated in this case. Learned counsel further submitted that the quantity allegedly recovered from the applicant does not fall within the prohibitory clause and that the applicant has no previous criminal record. He lastly contended that the facts and circumstances of the case call for further inquiry.

4. Conversely, learned Deputy Prosecutor General opposed the bail application and submitted that the applicant is specifically named in the F.I.R., that 500 grams of charas was recovered from his exclusive possession, and that the recovered contraband was duly sealed and sent for chemical examination. According to him, sufficient material is available connecting the applicant with the commission of the alleged offence; 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 quantity of charas allegedly recovered from the possession of the applicant is 500 grams. The offence, therefore, does not fall within the prohibitory clause of Section 497(1), Cr.P.C. It is a settled principle of law that where an offence falls outside the prohibitory clause, grant of bail is a rule and refusal thereof is an exception, unless exceptional circumstances exist warranting denial of such concession.

6. A tentative assessment of the record further reveals that the alleged recovery was effected during daytime from a place stated to be accessible to the public; however, no independent private person was associated with the recovery proceedings and only police officials have been cited as mashirs. Though such omission alone may not be sufficient to discard the prosecution case, it nevertheless remains a circumstance which requires deeper

appreciation at the trial. The defence plea regarding prior annoyance between the applicant and the complainant party is also a matter which can only be tested after recording of evidence before the learned trial Court.

7. The investigation has already been completed and the applicant is presently in judicial custody. No further recovery is to be effected from him. Moreover, no material has been brought on record indicating that the applicant is a previous convict, a habitual offender, or that, if released on bail, he is likely to abscond or tamper with the prosecution evidence. Whether the prosecution ultimately succeeds in establishing the charge against the applicant is a matter which can only be determined after the evidence is recorded at the trial. Reliance in this regard may be placed upon the case of Muhammad Abid Hussain v. The State and another (2025 SCMR 721).

8. In the cumulative circumstances of the case, and without expressing any opinion on the merits of the matter, we are of the tentative view that the case 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. Consequently, the instant bail application is allowed and the applicant, Asif son of Manzoor Ghanghro, 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 learned trial Court shall 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, without granting unnecessary adjournments to either side except for reasons to be recorded.

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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