

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Bail Application No. D-111 of 2026

Before:

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

Applicant : Badal S/o Taj Muhammad Shar,
through Mr. Ajeebullah Junejo, 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, Badal S/o Taj Muhammad Shar, seeks post-arrest bail in Crime No.10 of 2026, registered at Police Station Sangi, District 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 Additional Sessions Judge/Special Judge for CNS Cases, Pano Akil, vide order dated 10.02.2026.

2. Briefly stated, the prosecution case is that on 15.01.2026 at about 03:00 p.m., complainant SIP Muhammad Akram Naich of Police Station Sangi lodged the F.I.R., alleging therein that while he, along with his subordinate staff, was on patrol duty and reached Sangi Morr, they received spy information that a person carrying a shopper in his hand was standing on the bridge of Janib Wah. Acting upon such information, the police party proceeded towards the pointed place and, upon reaching there, allegedly found the applicant standing with a shopper in his hand. On seeing the police party, he allegedly attempted to flee but was apprehended. It is alleged that owing to non-availability of private mashirs, PC Akhtar Ali and PC Muhammad Ali were associated as mashirs. On inquiry, the apprehended person disclosed his identity as Badal S/o Taj Muhammad Shar. The shopper allegedly recovered from his possession was found to contain four pieces of charas weighing 2000 grams, which were sealed at the spot.

Thereafter, the applicant along with the recovered contraband 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 the present case. He submitted that despite prior information regarding the presence of the applicant at the pointed place and despite the alleged recovery having been effected from a public place, no independent private mashir was associated with the recovery proceedings. He further contended that no video recording or photographic evidence of the alleged recovery proceedings has been brought on record. Learned counsel further submitted that the applicant has no previous criminal record, the investigation has already been completed and the case calls for further inquiry. In support of his submissions, he relied upon **Muhammad Abid Hussain v. The State and another (2025 SCMR 721)**.

4. Conversely, learned Additional Prosecutor General opposed the bail application and submitted that the applicant is specifically named in the F.I.R.; that 2000 grams of charas was recovered from his possession; 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.

6. Admittedly, the prosecution case rests entirely upon the testimony of police officials. The alleged recovery was effected from a public place after the police party had admittedly received prior spy information regarding the presence of the applicant at the pointed place. Despite having sufficient opportunity, no effort appears to have been made to associate any independent person from the locality in the recovery proceedings. Although non-association of private mashirs is not by itself fatal to the prosecution case, yet such circumstance assumes significance where the entire prosecution case is founded upon official witnesses alone and requires deeper appreciation during trial.

7. It has further been pointed out that no video recording or photographic evidence of the alleged recovery proceedings has been brought on record. While videography may not be a mandatory legal requirement, the absence thereof, particularly in circumstances where prior information was available and the recovery is alleged to have been effected from a public place, is also a circumstance which requires consideration during trial.

8. The record further reveals that the investigation has already been completed and the applicant is presently in judicial custody. No further recovery is required to be effected from him. Nothing has been brought on record to suggest that, if released on bail, the applicant is likely to abscond, tamper with the prosecution evidence or otherwise impede the course of justice. Whether the prosecution ultimately succeeds in proving the charge beyond reasonable doubt is a matter which can only be determined after recording of evidence before the learned trial Court.

9. Without making any deeper assessment of the prosecution evidence, which may prejudice either side at the trial, and considering the cumulative effect of the circumstances discussed above, we are of the tentative view that the case of the applicant requires further probe and falls within the ambit of further inquiry as contemplated by 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, namely Badal S/o Taj Muhammad Shar, is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

10. The learned trial Court shall proceed with the trial expeditiously and make every endeavour to conclude the same preferably within a period of two 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.

11. In case the applicant misuses the concession of bail in any manner whatsoever, it shall be open to the prosecution to seek cancellation of bail before the competent forum in accordance with law.

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

Judge

Judge

ARBROHI/PS