

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam
Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1723 of 2026

Applicant : Naseem Bibi W/o Hayat Khan
through Mr. Saifullah Rind, Advocate

Respondent : The State
through Ms. Najma Latif, A.P.G. Sindh

Date of hearing : 02.07.2026

Date of order : 02.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.272/2026 registered under Sections 9(2)(4) of the Sindh Control of Narcotics Substances Act, 2024 of PS Gadap City, after her bail plea has been declined by the learned Judge, Special Court/Sessions Court, Malir, Karachi vide order dated 25.05.2026.

2. The detailed facts of the case are already available in the bail application as well as FIR, therefore, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant primarily contended that the applicant is innocent and has been falsely implicated in the present case. It was argued that the accused is a lady who has no concern with the commission of this offence; that the alleged recovery of narcotics from the possession of the applicant amounts to only 102 grams, which does not attract the prohibitory clause contained in Section 497, Cr.P.C. Learned counsel further submitted that the prosecution neither associated any private person as a mashir nor

produced any video recording of the alleged recovery, which, according to him, constitutes a clear violation of Section 103, Cr.P.C., as well as Section 17(2) of the Sindh Control of Narcotic Substances Act, 2024. He further contended that the applicant has remained behind bars for more than two months and is no longer required for any further investigation. On these premises, he prayed for the grant of post-arrest bail to the applicant.

4. Conversely, the learned Assistant Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant was apprehended at the spot and ice was recovered from her possession; therefore, she is not entitled to the concession of bail.

5. We have heard the learned counsel for the parties at considerable length and have carefully examined the material available on the record.

6. A perusal of the record reveals that on the day of the incident, the complainant, SIP Muhammad Tahir, along with other police officials, was on routine patrol in Police Mobile No. SPC-536 within the territorial limits of Gadap City. Upon reaching the Karachi Toll Plaza, they received spy information that a family of one Hayat Khan, allegedly involved in the sale of narcotics among the students of Baqai University, was waiting for someone on Pakka Road. Acting upon the said information, the police party proceeded to the pointed place, where they found three persons standing. They were apprehended who disclosed their names as (1) Hayat Khan, (2) Shahzad, and (3) Naseem Bibi (present applicant). Thereafter, their personal search was conducted, and during the search of the present applicant, a substance of "**ICE**" was recovered from her purse which was weighed and found to be 102 grams.

7. Insofar as the contention of the learned counsel for the applicant regarding the prosecution's failure to produce any video recording of the alleged recovery of narcotics is

concerned, the same prima facie carries substance and warrants due consideration. Section 17 of the Sindh Control of Narcotic Substances Act, 2024 has been enacted with the avowed object of ensuring transparency, fairness and accountability in the conduct of raids, searches, seizures and arrests carried out under the Act. For facility of reference, Section 17(2) of the said Act is reproduced hereinbelow:

“Video recording of all raids, seizures, inspections and arrests shall be made by the officer in charge of such operation.”

8. From perusal of the record further reflects that 102 grams of ice was allegedly recovered from the possession of the applicant/accused, who has remained in judicial custody for the last two months; however, no meaningful progress has been made in the trial proceedings. The question regarding the quantum of sentence, if any, shall be determined at the conclusion of the trial, subject to the prosecution successfully establishing its case against the applicant/accused. The alleged offence carries a maximum punishment of one year imprisonment and a minimum sentence of six months, and, therefore, does not fall within the prohibitory clause of Section 497, Cr.P.C. It is a settled principle of law that grant of bail is the rule and its refusal is an exception. The learned Assistant Prosecutor General has failed to point out any exceptional circumstance warranting the denial of bail to the applicant/accused.

9. Furthermore, all the prosecution witnesses are police officials and, therefore, there appears to be no likelihood of the applicant tampering with the prosecution evidence. The prosecution has also failed to place on record any material to indicate that the applicant/accused is a previous convict or is involved in any other case of a similar nature. At the bail stage, the Court is required to make only a tentative

assessment of the material available on record, and a deeper appreciation of the evidence is not permissible.

10. In the aforesaid circumstances, the case of the applicant/accused falls within the ambit of further inquiry as contemplated under subsection (2) of Section 497, Cr.P.C. Consequently, the learned counsel for the applicant has succeeded in making out a case for the grant of post-arrest bail. Resultantly, the instant bail application is allowed, and the applicant/accused is admitted to bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

JUDGE

Kamran/PS