

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

Criminal Bail Application No.1691 of 2026

Applicants : 1. Nazakat S/o Wali Muhammad
2. Abdul Basit S/o Abdul Khaliq
through Mr. Noor Ahmed Domki,
Advocate

Respondent : The State
through Mr. Ali Anwar, Addl. P.G.
Sindh

Date of hearing : 01.07.2026

Date of order : 01.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, the applicants/accused seek post-arrest bail in Crime No.234/2026 registered under Sections 9(2)2 of Sindh Control Narcotics Substances Act, 2024 of PS Gadap City, after their bail plea has been declined by the learned Judge, Special Court/Sessions Court, Malir, Karachi vide order dated 14.05.2026.

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 mainly contended that the applicants are innocent and have falsely been implicated in this case; that the alleged recovery of weed from the possession of the applicant Nazakat is only 25 gram and ice recovered from the possession of applicant Abdul Basit is only 50 gram, which do not fall within the prohibitory clause of Section 497 Cr.P.C.; that the prosecution has not cited any private person as mashir nor any video of the recovery has been produced, which is clear violation of Section 103 Cr.P.C.

so also Section 17(2) of the Sindh Control of Narcotics Substances Act, 2024. He further argued that the applicants are behind the bars since 17.04.2026 and are no longer required for further investigation. Lastly, he prays for grant of post-arrest bail to the applicants.

4. On the other hand, the learned Additional Prosecutor General, Sindh vehemently opposed for grant of bail, contending that the applicants were arrested on the spot and ice and weed were recovered from their possession, therefore, they are not entitled to the concession of bail.

5. We have heard the learned counsel for the parties and have carefully perused the material available on the record.

6. Perusal of record reveals that on the day of the incident, complainant SIP Sahib Khan along with other police officials was on routine patrolling in Police Mobile No. SPC-536 within the limits of Gadap Town when they saw two persons, keeping one yellow colour sack in the middle, are coming in a suspicious way. Upon seeing suspicious, the police intercepted and subsequently apprehended them. On inquiry, they disclosed their names as Nazakat and Abdul Basit; however, from the personal search of accused Nazakat, one 9mm pistol alongwith load magazine with four round alive was recovered and small quantity of *Weed* was recovered from his pocket so also two mobile phones and cash Rs.6730/- and from the personal search of accused Abdul Basit, one 9 mm pistol load magazine with 05 rounds alive was recovered and *Ice* wrapped in plastic so also Vigotel mobile and cash Rs. 6000/-. Thereafter, the alleged narcotics were weighted on digital scale which became 25 gram *weed* recovered from accused Nazakat and 50 grams *ice* recovered from Abdul Basit.

7. So far as the contention of the learned counsel for the applicants that the prosecution has failed to produce any video recording of the alleged recovery of narcotics is

concerned, the same carries considerable weight. Section 17 of the Sindh Control of Narcotic Substances Act, 2024 has been enacted with the object of ensuring transparency, fairness, and accountability in matters relating to raids, searches, seizures, and arrests conducted under the Act. It is appropriate to reproduce Section 17(2) of the *ibid* for ready reference:

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

8. Further, the Sindh Control of Narcotics Substance Act, 2024 does not provide the definition of **“weed”** and its punishment. However, Google provide definition as “A weed is broadly defined as any plant growing where it is not wanted. In agriculture and gardening, it typically refers to an unwanted, invasive, or aggressive plant that competes with desirable crops or flowers for nutrients, water, and sunlight. Because "weed" is highly subjective and depends entirely on human intent, a plant deemed a beautiful wildflower in one setting can be considered a weed in a manicured lawn or vegetable patch.

Other Common Meanings & Slang

Beyond botany, the word has several distinct definitions and slang uses:

- **Cannabis (Slang):** The most common informal use of the word refers to marijuana or cannabis.

9. A perusal of the record reflects that 25 grams of weed was allegedly recovered from the possession of the applicant/accused Nazakat whereas 50 grams ice was recovered from the possession of the applicant/accused Abdul Basit. Both the accused have 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 committed by applicant Nazakat carries a maximum punishment of six months and a minimum sentence of two months alongwith fine which may be upto fifty thousand rupees, whereas the offence committed by applicant Abdul Basit carries a maximum punishment of three years' imprisonment and a minimum sentence of six months, and, therefore, do 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 Additional Prosecutor General has failed to point out any exceptional circumstance warranting the denial of bail to the applicant/accused.

10. 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.

11. 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.50,000/- (Rupees Fifty Thousand only) and a personal

recognizance bond in the like amount to the satisfaction of the learned trial Court.

12. 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 applicants on merits.

JUDGE

JUDGE

Kamran/PS