

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

Criminal Bail Application No.1535 of 2026
Criminal Bail Application No.1140 of 2026

Applicant : Muhammad Shareef Bazai S/o
[in CrI. B.A. No.1535/2026] Muhammad Bazai through Mr.
Muhammad Jamil, Advocate

Applicant : Zulqarnain S/o Abdul Baseer
[in CrI. B.A. No.1140/2026] through Mr. Zahoor Uddin Mehsood,
Advocate

Respondent : The State
through Mr. Ali Anwar, Addl. P.G.
Sindh a/w PI/I.O. Syed Abbas Shah,
PS Airport

Date of hearing : 13.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J – By this common Order, we intend to dispose of both the bail applications filed by the applicants named above against the Orders dated 13.05.2026 passed by learned Judge, Special Court/Sessions Court, Malir, Karachi and 10.02.2026 passed by learned Session Judge, Malir, Karachi; whereby their bail plea has been declined in FIR No.160/2025 U/s 6/9(1)3(e) SCNS Act of PS Airport.

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

3. Learned counsel appearing for applicant Muhammad Shareef Bazai primarily contended that the applicant is innocent and has been falsely implicated in the present case. It was argued that the alleged recovery of charas has been

foisted upon the applicant by the police with malafide intention and ulterior motives; that the entire prosecution story is based solely upon the statements of interested police officials, without any independent corroboration. He further contended that the prosecution has not associated any private person as a mashir, which constitutes a clear violation of Section 103, Cr.P.C. He further contended that the applicant has remained behind bars for more than nine months and is no longer required for any further investigation. On these premises, he prayed for the grant of post-arrest bail to the applicants. In support of his contentions, learned counsel for the applicant has relied upon the cases reported as (1) Akhtar Ali Ghowada vs. The State (2015 MLD 1661), (2) Arshad alias Goga vs. The State (2022 PCRLJ 198), (3) Asfandiyar and another vs. Kamran and another (2016 SCMR 2084), (4) Raham Gul and another vs. The State (2026 SCMR 584), (5) Sardar Amin Farooqui through his real Brother vs. The Chairman (NAB) and another (2014 PCRLJ 186), (6) Abid Mehmood and other vs. The State (2017 SCMR 728) and (7) Niaz Ali vs. The State (2026 MLD 215).

4. Learned counsel appearing for the applicant, Zulqarnain, while adopting the arguments advanced by the learned counsel for the applicant in Criminal Bail Application No.1535 of 2026, further contended that the applicant was merely a passenger in the vehicle and had no knowledge of the narcotics allegedly lying therein. However, when confronted with the query as to whether, at the time of his arrest or during the course of investigation, he had ever disclosed to the Investigating Officer that he was merely a passenger and was unaware of the presence of the narcotics, the learned counsel replied in the negative. In support of his contentions, learned counsel has relied upon the cases reported as Khadim Hussain vs. The State (2026 SCMR 217), Hussain Ullah vs. State and another (2024 SCMR 1651) and Aslam Khan vs. The State (2024 YLR 2467).

5. Conversely, the learned Additional Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicants were apprehended at the spot while transporting a huge quantity of narcotics in the vehicle in their possession, from which the contraband was recovered. He further submitted that the offence falls within the prohibitory clause, therefore, the applicants are not entitled to the concession of bail.

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

7. From careful perusal of the record reveals that on 26.09.2025, a police party headed by SIP Shoukat Ali of Police Station Airport, accompanied by subordinate police officials, was on routine patrol when they intercepted an Alto car fitted with tinted glasses. Upon stopping the vehicle, it was found that two persons, namely Muhammad Shareef Bazai and Zulqarnain, were travelling therein. During the search of the vehicle, the police allegedly recovered a yellow plastic shopping bag lying in the left-side front footwell. Upon opening the said bag, it was found to contain eighteen packets of charas, out of which five packets were wrapped in black plastic and the remaining thirteen in white plastic. The recovered contraband was weighed at the spot and found to be 11,000 grams (11 kilograms). Consequently, both occupants of the vehicle were arrested, and upon their return to the police station, the instant FIR came to be registered against them.

8. Insofar as the contention advanced on behalf of applicant Zulqarnain that he was merely a passenger in the vehicle and had no knowledge of the narcotic substance allegedly lying therein is concerned, the same does not, at this tentative stage, carry any substance. Admittedly, neither at the time of his arrest nor during the course of investigation did the applicant raise such a plea before the Investigating Officer.

9. The said defence has been set up for the first time during the present bail proceedings and, therefore, prima facie appears to be an afterthought. Significantly, while the applicant has not disputed the alleged recovery of charas from the vehicle, his sole plea is that he was merely a passenger. It is also noteworthy that the co-accused, Muhammad Shareef Bazai, has not supported or corroborated the applicant's assertion that he was travelling merely as a passenger. At this stage, no material has been placed on record to substantiate the applicant's claim or to rebut the prosecution's allegation that he was travelling in the vehicle from which a substantial quantity of narcotics was allegedly recovered. Accordingly, the aforesaid contention does not advance the case of the applicant for the purpose of grant of bail.

10. Furthermore, the prosecution case reflects that as much as **11 kilograms** of charas were allegedly recovered from the possession of the applicants while they were travelling in the aforesaid Alto car. The representative samples of the recovered contraband were duly forwarded to the office of the Chemical Examiner, and the report received therefrom confirms that the substance tested positive for charas. Learned counsel for the applicants has been unable to point out any material available on the record suggesting that the complainant or any member of the raiding party was actuated by mala fide, personal enmity, or any ulterior motive to falsely implicate the applicants in the present case. In these circumstances, and particularly having regard to the exceptionally huge quantity of narcotic substance allegedly recovered from the applicants, this Court is of the tentative view that the case squarely falls within the prohibitory ambit of the relevant law and does not warrant the extraordinary concession of bail at this stage. Reliance in this regard is placed upon the judgment of the Hon'ble Supreme Court of Pakistan in ***Dolat Khan v. The State and others* (2016 SCMR 1447)**.

11. Moreover, the alleged offence is punishable with imprisonment for life and, therefore, squarely falls within the prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898.

12. In view of the foregoing discussion, this Court is of the considered opinion that the learned counsel for the applicant has failed to make out a case warranting the grant of bail under subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is hereby **dismissed**. However, the learned trial Court is directed to conclude the trial expeditiously and decide the same, preferably within a period of **sixty days**.

13. The case-laws relied by the learned counsel for the applicant are distinguishable from the facts and circumstances of the present case; therefore, the same are not applicable in this case.

14. 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