

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

Criminal Bail Application No.1464 of 2026

Applicant : Muhammad Azeem S/o Rasool Bux
through Mr. Amjad Hussain Baloch,
Advocate

Respondent : The State
through Mr. Muhammad Noonari,
D.P.G. Sindh

Date of hearing : 14.07.2026

Date of short order : 14.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.211/2026 registered under Section 9(i)(3)-C of the SCNS Act of PS Malir City, after his bail plea has been declined by the learned Sessions Judge, Malir, Karachi vide order dated 31.03.2026.

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. He argued that alleged recovery is wholly fabricated and has been foisted upon him. 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 investigation has already been completed, the applicant has remained behind bars for more than four 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 Deputy Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant was apprehended at the spot and charas was recovered from his possession; that the offence in which he has been booked does not fall within the prohibitory clause of Section 497 Cr.P.C.; therefore, he 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. From perusal of the record reveals that, on the day of the incident, a police party headed by SIP Muhammad Younis of Police Station Malir City, along with other police officials, was on routine patrol within the limits of the said police station when they received spy information that a person was present at Sahibdad Goth, Alook Chowk, Malir City, allegedly in possession of narcotic substance. Acting upon the said information, the police party immediately proceeded to the pointed place, where the suspect was apprehended. Upon inquiry, he disclosed his identity as Muhammad Azeem son of Rasool Bux. Thereafter, his personal search was conducted, during which a shopping bag allegedly carried by him was searched, resulting in the recovery of charas. The recovered substance was weighed on a digital scale and was found to be 1,200 grams, whereupon the applicant was arrested and the instant case was registered against him in accordance with law.

7. The offence alleged against the applicant is not merely one against an individual but constitutes a crime against society at large. The ever-increasing menace of narcotic drugs has assumed alarming proportions and poses one of the gravest threats to public health, social order, and the rule of law. The illicit trafficking and distribution of narcotic substances have devastating consequences, particularly for the younger generation, which remains the most vulnerable segment of society. The easy availability of narcotics leads to addiction, adversely affects the physical and mental well-being of young persons, impairs their moral and intellectual development, and deprives them of the opportunity to become responsible and productive members of society.

8. It is a matter of common knowledge that addiction to narcotic substances destroys individual lives, shatters families, contributes to the commission of other offences, and undermines public peace and social stability. Courts are, therefore, under a solemn obligation to ensure that offences relating to narcotic substances are dealt with strictly in accordance with law while keeping in view the larger public interest. Although every accused enjoys the presumption of innocence until proven guilty and is entitled to all safeguards guaranteed under the Constitution and the law, the seriousness, gravity, and far-reaching societal impact of narcotics-related offences cannot be ignored while exercising judicial discretion in matters relating to bail.

9. The legislative object underlying the narcotics laws is not confined to punishing offenders; rather, it is aimed at protecting society, particularly its youth, from the catastrophic consequences of drug abuse and illicit trafficking. The Courts must, therefore, remain vigilant to ensure that persons allegedly involved in the illegal trade of narcotic substances do not frustrate the administration of justice or continue activities which pose a serious threat to public health, public safety, and the future of the younger generation.

10. In the present case, after careful consideration of the material available on record, the nature and gravity of the allegations, and the larger societal interest involved, this Court is of the considered view that no exceptional circumstance has been brought on record warranting the exercise of judicial discretion in favour of the applicant at this stage. Furthermore, the learned counsel for the applicant has failed to point out any material suggesting that the complainant or any member of the raiding party was actuated by mala fide, personal enmity, or any ulterior motive in falsely implicating the applicant. In the absence of any such material, and having regard to the fact that a substantial quantity of narcotic substance has allegedly been recovered from the possession of the applicant, he is not entitled to the concession of bail. In this regard, reliance is placed upon the judgment of the Honourable Supreme Court of Pakistan in *Dolat Khan v. The State and others* (2016 SCMR 1447).

11. Furthermore, the alleged offence carries a maximum punishment of fourteen years' rigorous imprisonment and a minimum sentence of nine years' imprisonment and, therefore, squarely falls within the prohibitory clause of Section 497, Cr.P.C.

12. For the foregoing reasons, and in view of the law laid down by the Honourable Supreme Court in the above-referred case, the learned counsel for the applicant has failed to make out a case of further inquiry within the contemplation of subsection (2) of Section 497, Cr.P.C., or any other ground warranting the grant of post-arrest bail. Consequently, the instant bail application is **dismissed**.

13. However, the learned trial Court is directed to proceed with the trial expeditiously and conclude the same, preferably within a period of sixty (60) days from the date of receipt of a copy of this order, strictly in accordance with law. It is clarified that the observations made herein are purely tentative in nature, confined to the disposal of the present

bail application, and shall not prejudice either party during the course of the trial.

14. These are the reasons of our short Order dated 14.07.2026.

JUDGE

JUDGE

Kamran/PS