

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1866 of 2026

Applicant : Mst. Badama W/o Arsala Khan
through Mr. Haider Bux Ansari,
Advocate

Respondent : The State
through Mr. Ali Anwar, Addl. P.G. a/w
SIP/I.O. Qurban Ali of PS Sohrab Goth

Date of hearing : 13.07.2026

Date of short order : 13.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.237/2026 registered under Section 9(1)3(b) Sindh Control of Narcotics Substances Act, 2024 of PS Sohrab Goth, after his bail plea has been declined by the learned Special Court/Sessions Court, Malir Karachi vide order dated 04.06.2026.

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 520 grams charas, 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. Learned counsel for the applicant contended that although the applicant has previously been implicated in several cases, she has been acquitted in one case and granted bail in another; therefore, her past involvement alone cannot disentitle her to the concession of bail. 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 Addl. Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant was apprehended at the spot and charas was recovered from her possession; that she has involved in so many cases of similar nature and after grant of bail in one case, she repeats the offence by indulging herself in selling narcotics as such 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, complainant SIP Tamachi Khan along with other police officials was on routine patrol in Police Mobile No.SPG-097 within the jurisdiction of PS Sohrab Goth when they received spy information that a notorious drug dealer allegedly engaged in the sale of narcotics was present near Naddi Kinara, Janat Gul Town, for the purpose of selling

charas. Acting upon the said information, the police party proceeded to the pointed place and apprehended the suspected lady with the help of Lady Police Constable Nida, who disclosed her name as Mst. Badama wife of Arsala @ Sikandar. Thereafter, personal search of the present applicant was conducted, during which a white colour shopping bag containing two pieces of charas was recovered, which was weighed on a digital scale and found to be 520 grams.

7. Insofar as the contention of the learned counsel for the applicant that the applicant has been acquitted in FIR No.272/2023 under Section 6/9(i)(3) of the CNSA, registered at Police Station Sohrab Goth, and has also been granted bail in FIR No.665/2025 under Section 9(2)(3) of the Control of Narcotic Substances Act, 2025, registered at the same police station, is concerned, the same carries no weight. The criminal record of the applicant was called for and examined, which reflects that she had previously been involved in six other cases of a similar nature. This reflects that after grant of bail in one case, she repeats the offence by indulging herself in narcotics business; hence, she is misusing the concession of bail. Therefore, the said contention is devoid of merits.

8. Further, Learned counsel for the applicant has failed to point out any material available on the record suggesting that the complainant or any member of the raiding party harboured any enmity, mala fide, or ulterior motive against the applicant so as to falsely implicate her in the present case. In these circumstances, particularly having regard to the exceptionally large quantity of narcotics allegedly recovered from the possession of the applicant, she is not entitled to the concession of bail. 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).

9. Moreover, the punishment provided to the alleged offence is imprisonment which may extend to 14 years and not less than 07 years and, therefore, squarely falls within the prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898.

10. In view of the foregoing discussion and the law laid down in the above-cited case, learned counsel for the applicant has failed to make out a case for the grant of bail under subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is dismissed. However, the learned trial Court is directed to conclude the trial expeditiously and decide the same, preferably within a period of sixty days.

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.

12. These are the reasons of our short Order dated 13.07.2026.

JUDGE

JUDGE

Kamran/PS