

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. D – 166 of 2026

(Adeel alias Adil Chandio versus The State)

Before:

Mr. Zulfiqar Ali Sangi, J.

Mr. Arbab Ali Hakro, J.

Date of hearing : **23.07.2026**

Date of decision : **23.07.2026**

Mr. Ghulam Ali Bozdar, Advocate for applicant.

Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

ORDER

Arbab Ali Hakro, J. – Applicant / accused Adeel alias Adil son of Gul Muhammad Chandio has approached this Court through the instant application under Section 497, Cr.P.C. seeking post-arrest bail in Crime No.68/2026 registered at Police Station Moro, District Naushahro Feroze, for an offence punishable under Section 9(1), Sr. No.3(c) of the Sindh Control of Narcotic Substances Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025 (**‘the Act’**).

2. The prosecution case, in brief, is that on 17.02.2026, complainant ASI Ali Akbar Khoso, along with subordinate police officials, proceeded for patrolling within the jurisdiction of Police Station Moro. It is alleged that when the police party reached near Animal Hospital, Gachero Road, they noticed the applicant carrying a black shopper. According to the prosecution, the applicant attempted to escape on seeing the police party but was apprehended. The shopper was allegedly checked and found containing six pieces of charas weighing 1100 grams. Samples were separated from the recovered substance and the applicant was arrested. Thereafter, recovery proceedings were prepared and the present FIR was registered.

3. Learned Counsel for the applicant contended that the applicant has falsely been implicated and the alleged recovery has been planted upon him. It was argued that the complainant, being an ASI, was not competent to conduct the proceedings in view of Section 17(1) of the Act. Learned Counsel further submitted that despite the alleged recovery having taken place from a public place, no private person was associated as *mashir* and

the entire recovery proceedings were conducted through subordinate police officials. It was further argued that no video recording or photographs of the alleged search, recovery and arrest were prepared despite the requirement contained in Section 17(2) of the Act. According to learned Counsel, these circumstances bring the case within the ambit of further inquiry.

4. Learned Additional P.G. opposed the bail application and submitted that the applicant was apprehended with a commercial quantity of narcotic substance and the recovery proceedings are supported by official witnesses. He contended that the objections raised by the defence relate to appreciation of evidence which can only be undertaken during trial.

5. Heard learned Counsel for the parties and examined the available material.

6. The alleged offence falls under Section 9(1), Sr. No.3(c) of the Act. At the stage of bail, the Court is required to consider the lesser punishment prescribed for the alleged offence while examining the applicability of the prohibitory clause of Section 497, Cr.P.C. However, even where an offence falls within the prohibitory clause, bail cannot be refused as a matter of course if the accused succeeds in showing that the case requires further inquiry under Section 497(2), Cr.P.C.

7. The alleged recovery in the present case is entirely based upon the testimony of police officials. The law does not create any bar against reliance upon official witnesses merely due to their status; nevertheless, where the recovery is alleged to have been effected from a public place and no independent person has been associated despite availability, such circumstance becomes relevant while making a tentative assessment of the prosecution case.

8. The record further reflects that the alleged recovery proceedings were conducted without any video recording or photographic evidence. Section 17(2) of the Act incorporates a statutory safeguard requiring recording of raids, seizures and arrests through modern devices. The purpose behind such requirement is to ensure transparency and credibility in narcotics-related proceedings. Although absence of such material may not by itself determine the fate of the prosecution case at trial, however, at the bail stage it assumes significance when examined along with other circumstances appearing on record.

9. The question regarding competence and authorization of the complainant under Section 17(1) of the Act also requires consideration. Whether the complainant was duly empowered to undertake the alleged search, seizure and arrest proceedings is a matter requiring examination of the relevant record. At this stage, the said issue cannot be finally determined but remains a circumstance requiring further probe.

10. It is settled principle of law that bail is not to be withheld as a form of punishment and the accused remains innocent unless his guilt is established through due process of law. The purpose of bail proceedings is not to conduct a full-fledged trial but only to assess whether the material available against the accused requires further inquiry.

11. In view of the questions arising regarding compliance with mandatory safeguards under the Act, absence of independent corroboration, and competence of the complainant to conduct proceedings, this Court is of the tentative opinion that the applicant has succeeded in bringing his case within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. Consequently, the instant criminal bail application is **allowed**. Applicant / accused Adeel alias Adil son of Gul Muhammad Chandio shall be **released on post-arrest bail** subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

12. The observations made hereinabove are tentative in nature and shall not prejudice either party during the course of trial.

The instant bail application is **disposed of** accordingly.

J U D G E

J U D G E

Abdul Basit