

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. D – 191 of 2026

(Basheer Ahmed Solangi 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. Muhammad Hamzo Buriro, Advocate for applicant.

Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

ORDER

Arbab Ali Hakro, J. – Applicant / accused Basheer Ahmed son of Muhammad Suleman Solangi has approached this Court through the instant application under Section 497, Cr.P.C. seeking post-arrest bail in Crime No.29/2026 registered at Police Station Bhiria Road, District Naushahro Feroze, for an offence punishable under Section 9(1), Sr. No.3(b) of the Sindh Control of Narcotic Substances Act, 2024, as amended by the Sindh Control of Narcotic Substances (Amendment) Act, 2025 (**‘the Act’**), after his bail application was declined by the learned Sessions Judge / Special Judge (Competent Court for CNS), Naushahro Feroze.

2. The prosecution case, briefly stated, is that on 02.05.2026 complainant ASI Allah Bux Jamali, along with subordinate police officials, was conducting patrol duty within the jurisdiction of Police Station Bhiria Road. When the police party reached Peer Soomro situated at Link Road leading from Bhiria Road to Sada Wah, they allegedly noticed the applicant carrying a black shopper, who on seeing the police attempted to escape but was apprehended. It is alleged that the said shopper was taken into possession and, upon checking, was found containing charas weighing 600 grams. Out of the recovered substance, 100 grams was separated for chemical examination, whereas the remaining quantity was sealed separately. Thereafter, the applicant along with the recovered articles was brought to the police station where the present FIR was registered.

3. Learned Counsel for the applicant contended that the applicant has been falsely implicated and the alleged recovery has been foisted upon him.

It was argued that despite the alleged recovery having been effected from a public place, no private person was associated as *mashir*. Learned Counsel further submitted that the mandatory requirement contained in Section 17(2) of the Act regarding video recording of search, seizure and arrest proceedings was not complied with. It was also argued that only 100 grams out of the alleged recovery of 600 grams was sent for chemical analysis and the prosecution has failed to demonstrate safe custody of the sample. According to learned Counsel, the said circumstances bring the case within the ambit of further inquiry.

4. Learned Additional P.G. opposed the application and submitted that the applicant was apprehended with a substantial quantity of narcotics and the recovery proceedings are supported by official witnesses. He contended that the objections raised by the defence are matters of evidence which can be examined during trial.

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

6. The jurisdiction exercised at the stage of post-arrest bail is tentative in nature. The Court is not required to undertake a detailed appraisal of evidence or record any final finding regarding the guilt or innocence of the accused. The examination is confined to determining whether the available material connects the accused with the alleged offence or whether the circumstances require further inquiry within the meaning of Section 497(2), Cr.P.C.

7. In the instant matter, the alleged recovery of charas is stated to be 600 grams, out of which only 100 grams was separated and forwarded for chemical examination, whereas the remaining quantity was sealed separately. Whether the sample so drawn was sufficient and representative of the alleged recovered substance, and whether the sampling process was carried out in accordance with the prescribed procedure, are questions which require determination during trial. At this tentative stage, the said aspect cannot be overlooked.

8. The prosecution case also requires consideration in the light of Section 17(2) of the Act, which provides a safeguard by requiring video recording of search, seizure and arrest proceedings. The available material does not indicate that any such recording or photographic evidence of the

alleged recovery was prepared. The purpose of incorporating such safeguard is to bring transparency and reliability to narcotics proceedings; therefore, non-compliance thereof assumes significance while considering the request for bail.

9. It is further noticed that the alleged recovery was effected from Peer Soomro situated at Link Road leading from Bhiria Road to Sada Wah; however, no private person was associated with the recovery proceedings. Although the testimony of official witnesses cannot be discarded merely on account of their official status, the absence of independent corroboration, particularly when considered along with other circumstances appearing on record, makes the prosecution version open to further examination.

10. Another aspect requiring consideration is the alleged chain of custody of the sample. The prosecution record presently available does not demonstrate the manner in which the separated sample remained preserved from the time of recovery until its dispatch for chemical analysis. Whether the required safeguards were duly observed is a matter to be assessed by the learned trial Court after recording evidence.

11. In view of the circumstances discussed above, this Court is of the tentative opinion that the applicant has succeeded in showing that the matter requires further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the instant criminal bail application is **allowed**. Applicant / accused Basheer Ahmed son of Muhammad Suleman Solangi shall be **released on post-arrest bail** subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty 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.

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