

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-110 of 2026

Applicant : Abdullah @ Ablu s/o Faqeer Muhammad
Through Ms.Noreen Shaikh, Advocate

The State : Ms.Rameshan Oad, Deputy Prosecutor General, Sindh

Dates of hearing : **24.09.2026**

Date of short order: **24.09.2026**

Date of reasons : **29.09.2026**

ORDER

ABDUL MOBEEN LAKHO, J:- Through this Bail Application, applicant Abdullah alias Ablu seeks post-arrest bail in Crime No.52 of 2026, registered at Police Station Pabban/Husri, District Hyderabad, for an offence under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024. His earlier bail application was dismissed by the learned Sessions/Special Judge (CNSA), Hyderabad vide order dated 11.03.2026.

2. Briefly, the prosecution case is that on 12.02.2026, the complainant party allegedly received spy information that the applicant was selling Charas at Link Road, Village Handal Thebo. Acting upon such information, the police allegedly reached the pointed place, apprehended the applicant and recovered 2054 grams of Charas from a plastic shopper in his possession, whereafter the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated; that despite prior spy information and availability of sufficient opportunity no private witness was associated in the recovery proceedings; that the prosecution has failed to establish strict compliance

of Section 17 of the Sindh Control of Narcotic Substances Act, 2024; that the case property was not promptly transmitted for chemical examination and that the case falls within the ambit of further inquiry. She further referred to the proceedings initiated by the applicant's mother before the learned Justice of Peace alleging that the applicant had been taken away by police before registration of the present FIR.

2. Learned D.P.G. opposed the application and submitted that 2054 grams of Charas were recovered from the possession of the applicant and the prosecution case is supported by official witnesses as well as the material collected during investigation.

3. We have heard learned counsel for the parties and perused the material available on record.

4. Tentative assessment of the record reflects that the alleged recovery was made after receipt of prior spy information. Despite such prior information, no effort appears to have been made to associate any independent person from the locality in the proceedings, though the alleged place of recovery was a public link road. The evidentiary impact of this omission would ultimately be examined at the trial; however, at this stage it remains a relevant circumstance while assessing the prosecution case on a tentative basis.

5. It further appears that the prosecution relies upon compliance of Section 17 of the Sindh Control of Narcotic Substances Act, 2024 through video recording of the proceedings. Whether the statutory safeguards envisaged under the special law were complied with in letter and spirit is a matter requiring evidence and deeper examination during trial. Furthermore, the record shows that the applicant's mother had approached the learned Justice of Peace alleging that the applicant had been taken away by police before registration of the present case, though no finding thereon has yet been recorded.

6. The challan has already been submitted before the competent Court and the applicant is no longer required for investigation. The prosecution case substantially rests upon police officials whose testimony is yet to be tested through cross-examination.

7. Keeping in view the overall facts and circumstances of the case, the absence of private mashirs despite prior information, the background brought on record by the defence and the settled principle of further inquiry, we are of the tentative view that the applicant has made out a case for grant of post-arrest bail.

8. Consequently, this Criminal Bail Application is **allowed**. Applicant Abdullah alias Ablu is admitted to 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.

9. The observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

10. The above are the reasons of our short order dated 24.09.2026.

JUDGE

JUDGE

AHSAN K. ABRO