THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Criminal Bail No.D-132 of 2026

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Applicant: Nazeer Ahmed son of Shah Muhammad Brohi
Through Mr. Muhammad Mithal Lak, Advocate.

The State: Through Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General, Sindh.

Date of hearing: 29.10.2026

Date of Order: 29.10.2026

O R D E R

ARBAB ALI HAKRO, J.-Through an instant Criminal Bail Application, applicant/accused Nazeer Ahmed Brohi seeks post-arrest bail in Crime No.14/2026, registered at Police Station Madeji, District Shikarpur, for an offence under section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024. His earlier bail plea has been declined by learned 1st Additional Sessions Judge (MCTC)/Special Judge for CNSA, Shikarpur vide Order dated 09.07.2026. Hence, this bail application.

2. In brief, the facts of the case are that on 21.03.2026, the complainant, ASI Muhammad Siddique, along with his subordinate staff, was on patrol duty. At about 1500 hours, when they reached the Sukkur–Larkana Main Road near Boys College, they noticed a person standing on the road, carrying a black-coloured shopper. Upon seeing the approaching police vehicle, the person allegedly attempted to flee but was apprehended by the police party. Upon searching the shopper, the complainant allegedly recovered three pieces of charas. The apprehended person disclosed his name as Nazeer Ahmed and stated that he was going to sell the charas. During a further personal search, two currency notes of Rs.100/- each were also recovered. Upon weighing, the recovered charas was found to be 1,130 grams. Thereafter, the accused, along with the recovered property, was taken to the police station, whereupon the instant F.I.R. was lodged.

3. Learned counsel for the applicant submits that the applicant/accused is innocent and has been falsely implicated in the instant case by the police with mala fide intention and ulterior motives. He contends that the alleged recovery of charas was foisted upon the applicant/accused by the police to falsely involve him in the instant crime. He further submits that the alleged

place of incident is a densely populated area, where private persons could easily have been associated with the recovery proceedings; however, no independent witness was joined, and the entire proceedings were conducted in the presence of police officials. He further contends that the mandatory requirements of Section 17(2) of the CNSA, 2024, have not been complied with, thereby casting doubt on the prosecution's version. He argues that all the prosecution witnesses are police officials and, in the absence of independent corroboration, their testimony requires careful scrutiny at the bail stage. He finally submits that the applicant/accused may be enlarged on bail.

4. On the other hand, the learned Deputy Prosecutor General has vehemently opposed the grant of bail to the applicant/accused. He submits that the applicant/accused has been specifically nominated in the instant F.I.R. with the allegation that he was carrying charas for the purpose of sale. He further contends that the recovery of 1,130 grams of charas from the possession of the applicant/accused prima facie connects him with the commission of the alleged offence. He argues that offences relating to narcotics are serious in nature and constitute a grave threat to society, particularly owing to their detrimental effects on public health and the younger generation. He further submits that the allegations levelled against the applicant/accused do not warrant the grant of the concession of bail at this stage. On these grounds, the learned Deputy Prosecutor General prays for the dismissal of the instant Criminal Bail Application.

5. We have heard arguments of the learned counsel for the applicant as well as learned Deputy Prosecutor General, Sindh and have perused the material available on record with their able assistance.

6. The alleged recovery is 1130 grams of charas in three pieces, two large and one small, weighed together. The FIR itself puts the weight at “about” 1130 grams, and the mashirnama records neither the weight of each piece nor whether the weight was taken with or without the shopper. Clause (c) of Sr. No.3 of the Table to section 9(1) of the Act begins at 1000 grams, so a difference of 131 grams is all that separates the applicant’s case from clause (b), which carries imprisonment extending to nine years and falls outside the prohibitory clause. Where the recorded weight sits that close to the threshold, and the record is silent on how it was arrived at, the prosecution will have to establish at the trial that the quantity was correctly

weighed; at this stage the classification is open.[1] The recovery is also said to have been made at 1500 hours on the Sukkur–Larkana main road near Boys College, Madeji, half a kilometre from the police station, from a man waiting for transport, a place and hour at which private persons could hardly have been wanting; yet the complainant and both mashirs belong to one patrol party and the FIR, the mashirnama and the challan nowhere claim that the seizure and arrest were video-recorded as section 17(2) of the Act requires. Section 20 of the Act excludes section 103 Cr.P.C., but the Supreme Court has treated the want of independent corroboration and of any recording as circumstances relevant at the bail stage even where the quantity was considerably larger than the one alleged here.[2] Section 35(2) of the Act, as substituted in 2025, directs release on bail where sufficient grounds exist for further inquiry into the guilt of the accused and such grounds exist here.

7. The applicant/accused has been in custody since 21.03.2026. The challan has been submitted, and he is not required for further investigation; no previous record is alleged against him; the witnesses are police officials, and nothing suggests that he would abscond or tamper with the evidence. His case is therefore one of further inquiry within the meaning of section 35(2) of the Act read with section 497(2) Cr.P.C.

8. Accordingly, the bail application is **allowed**, and the applicant/accused is admitted to bail subject to his 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.

9. 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 either party at trial.

The above are the reasons of our short order dated 29.10.2026.

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[1] *Shahbaz alias Shuiban Kalhoro v. The State* Cr. Bail Application No. D-190 of 2026 (High Court of Sindh, Bench at Sukkur), order dated 30.07.2026, paragraph 9.

[2] *Zahid Sarfaraz Gill v. The State* 2024 SCMR 934 (1833 grams of charas); *Muhammad Abid Hussain v. The State* 2025 SCMR 721 (1100 grams of heroin).

Manzoor