

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.D-199 of 2026

Present:

Justice Muhammad Faisal Kamal Alam
Justice Tasneem Sultana

Applicant : Karan through Mr. Muhammad Hamzo Buriro, Advocate.

The State : Through Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

Date of Hearing : 13-08-2026
Date of Order : 02-09-2026

ORDER

TASNEEM SULTANA, J.- Through this criminal bail application, the applicant, Karan S/o Jayraj Hindu, seeks post-arrest bail in Crime No.80 of 2026, registered under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024 (SCNSA) at Police Station “B” Section, Sukkur, after his post-arrest bail application was declined by the learned Special Judge (CNS)/Additional Sessions Judge-1, Sukkur, vide order dated 29.06.2026.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced here.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in the present case; that the alleged recovery has been foisted upon him; that no private mashir was associated despite the alleged recovery having been effected from a public place; that the provisions of Section 103, Cr.P.C were not complied with; and that the applicant has no previous criminal record; therefore, his case falls within the ambit of further inquiry, and he is entitled to the concession of post-arrest bail.

4. Conversely, learned Additional Prosecutor General opposed the instant bail application and contended that the applicant is specifically nominated in the FIR and was apprehended at the spot; that 1015 grams of Charas was recovered from his possession; that the Chemical Examiner has

confirmed the recovered substance to be Charas; and that the investigation record also contains a USB along with a separate memo relating thereto; therefore, the applicant is not entitled to the concession of post-arrest bail.

5. Heard and record perused.

6. It reflects from the record that the police party headed by SIP Abdullah Mahar apprehended the applicant and 1015 grams of Charas was alleged recovered from the shopper in his possession. The recovered substance was forwarded to the Chemical Examiner and, upon analysis, was confirmed to be Charas. Thus, the prosecution version regarding the nature of the recovered substance finds support from the positive report of the Chemical Examiner and, at this tentative stage, prima facie material is available on record connecting the applicant with the commission of the alleged offence.

7. The alleged offence falls under Section 9(1)(3)(c) of the Sindh Control of Narcotic Substances Act, 2024, which is punishable with imprisonment that may extend to fourteen years but shall not be less than nine years, along with a fine up to five hundred thousand rupees, but not less than one hundred thousand rupees. In the case of **Jabran and another versus The State through Director General FIA and others (2025 SCMR 1099)**, the Honourable Supreme Court of Pakistan has discussed the question of imposition of maximum sentence. The relevant portion is reproduced as under:-

"6. We have gone through the referred judgments and have not been persuaded by the argument of the learned counsel that the minimum period of sentence is to be considered at bail stage for the purpose of section 497(1) Cr.P.C. Such interpretation is not supported by any law or subsequent jurisprudence established by this Court. At bail stage, the Court is not to undertake any speculative exercise or guess work regarding the probable length of sentence that will likely be awarded at the end of a trial. Doing so would amount to a deeper appreciation of evidence, which is prohibited at bail stage. Additionally, any such attempted categorization of sentencing or speculation at bail stage could prejudice future proceedings by pre-empting the mind of the Trial Court."

In another case of **Muhammad Aslam versus The State (2023 SCMR 2056)**, the Honourable Supreme Court of Pakistan has observed as under:-

"The offence is heinous in nature as it contributes to the menace of drugs having grave repercussions on the society. Prima facie the material available on the record connects the petitioner with the commission of the crime. The offence falls within the prohibitory clause of section 497, Cr.P.C. The impugned order is well reasoned, proceeds on correct principles of law on the subject and does not call for interference by this Court."

In view of the above dictum, the maximum punishment prescribed for the alleged offence attracts the prohibitory clause of Section 497(1), Cr.P.C.

8. As regards the objection concerning non-association of private mashirs and alleged non-compliance with Section 103, Cr.P.C., the applicability of Section 103, Cr.P.C stands excluded by virtue of Section 20 of the Sindh Control of Narcotic Substances Act, 2024. So far as the plea regarding non-compliance with Section 17(2) of the Act is concerned, the investigation record contains a USB along with a separate memo relating thereto. Thus, at this tentative stage, the plea of complete non-compliance with the said provision is not borne out from the record. The admissibility and evidentiary value of such electronic material shall, however, be determined by the learned trial Court in accordance with law.

9. In view of the above facts and circumstances, the applicant has failed to make out a case for grant of post-arrest bail. Consequently, this Criminal Bail Application is **dismissed**. Needless to observe, the learned trial Court shall proceed independently on the basis of the evidence adduced before it, uninfluenced by the observations made hereinabove and give the decision within two months.

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