

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. D – 158 of 2026

(Ghulam Mustafa alias Aqib versus The State)

Before:

Mr. Muhammad Faisal Kamal Alam, J.

Mr. Suresh Kumar, J.

Date of hearing : **27.08.2026**

Date of decision : **01.09.2026**

Mr. Shabbir Ali Bozdar, Advocate for applicant.

Mr. Muhammad Raza Kaothar, D.P.G.

ORDER

Suresh Kumar, J. – Through this instant Criminal Bail Application, the applicant, namely Ghulam Mustafa alias Aqib, seeks post-arrest bail in Crime No. 48/2026, for an offence under Section 9(i)(3)(c) of the SCNS Act, 2024, registered at P.S. Bhirya Road. Initially, the bail application was submitted and subsequently dismissed by the learned Sessions Judge (Competent Court) under the SCNS Act, 2024, Naushahro Feroze, via order dated 03.06.2026.

2. The concise facts of the case as depicted in the FIR are that on 30.05.2026, ASI Abdul Baqi lodged the FIR stating that on the aforementioned date, he arrested the applicant/accused Ghulam Mustafa and recovered 1150 grams of charas in the presence of witnesses. After completing the formalities, he brought the accused and the property to P.S. Bhirya Road, where he lodged the FIR on behalf of the state against the above-named accused.

3. We have heard the arguments advanced by the counsel appearing on behalf of the applicant/accused and the learned D.P.G. for the State.

4. Having given due consideration to the arguments advanced by the counsel appearing on behalf of the respective parties, we have perused

the relevant record. From the perusal of the FIR, it reveals that the applicant/accused Ghulam Mustafa alias Aqib was allegedly arrested on 30.05.2026 while in possession of 1150 grams of charas. The learned counsel appearing on behalf of the applicant/accused has mainly contended that the applicant/accused was arrested on 22.05.2026 from outside the Court by the SHO of P.S. Kandiaro after attending the Court of the Additional Sessions Judge Kandiaro, and that such an application was submitted by his brother on the same date. Furthermore, it was contended that after the issuance of notice on the said application, the applicant was shifted to P.S. Bhirya Road and was ultimately implicated in this case due to mala fide intention. From the perusal of available record, it appears that the application was submitted by the brother applicant/accused eight days prior to the registration of the FIR; therefore, the arrest of the accused on 30.05.2026 while in possession of 1150 grams of charas requires further inquiry in view of Section 35(2) of the SCNS Amended Act. Moreover, all witnesses mentioned in the FIR are police officials; therefore, there is no likelihood of tampering with evidence. The applicant/accused is already in custody and is not required for further investigation.

5. For the reasons stated above, we are of the considered view that the case of the applicant/accused falls within the ambit of further inquiry. Therefore, the applicant/accused Ghulam Mustafa alias Aqib Kaleri is granted post-arrest bail, subject to furnishing a solvent surety in the sum of Rs. 50,000/- (Fifty Thousand) to the satisfaction of the trial court.

6. Needless to mention here that the above observations are tentative in nature and will not prejudice the case of the applicant/accused during the trial.

J U D G E

J U D G E

Irfan