

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.D-230 of 2026

Present:

**Justice Muhammad Faisal Kamal Alam
Justice Tasneem Sultana**

Applicant : Sajid Ali Sahito, through M/s Abdul Qadir Khanzada & Mushtaque Ahmed Shah, Advocates.

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

Date of Hearing : **08-09-2026**
Date of Order : **08-09-2026**

ORDER

TASNEEM SULTANA, J.- Through this criminal bail application, the applicant, Sajid Ali Sahito, seeks post-arrest bail in Crime No.123 of 2026, registered under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024 (SCNSA) at Police Station, Halani, District Naushahro Feroze, after his post-arrest bail application was declined by the Sessions Judge (Competent Court), Naushahro Feroze, vide order dated 03.08.2026.

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 contends that the applicant has been falsely implicated; that the alleged recovery has been foisted upon him; that the complainant, being an Assistant Sub-Inspector, was not competent to initiate proceedings under the Sindh Control of Narcotic Substances Act, 2024; that the mandatory requirement of video recording under Section 17(2) of the above Act has not been complied with; that all

the prosecution witnesses are police officials and there is no likelihood of tampering with the prosecution evidence; and that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Lastly, he prays for grant of bail to the applicant.

4. Learned Additional Prosecutor General opposes the bail application and submits that the applicant was apprehended during routine patrolling, and 550 grams of Charas was allegedly recovered from his possession. He further submits that the report of the Chemical Examiner confirms that the recovered substance contains Charas; that no mala fide has been established against the complainant; therefore, the applicant is not entitled to the concession of post-arrest bail.

5. Heard. Record perused.

6. It appears from the record that the applicant was apprehended at the spot and 550 grams of Charas was allegedly recovered from his possession. The alleged recovered Charas was subsequently forwarded to the Chemical Examiner, whose report confirms that the recovered substance contained Charas. Thus, at this tentative stage, the prosecution material prima facie supports the allegation of recovery. The alleged offence falls under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024, which is punishable with imprisonment that may extend to nine years but shall not be less than five years. The offence, therefore, does not fall within the prohibitory clause of Section 497, Cr.P.C.

7. Learned counsel has principally questioned the recovery proceedings on the grounds that the requirement of video recording under Section 17(2) of the Sindh Control of Narcotic Substances Act, 2024 was not complied

with and that the complainant, being an Assistant Sub-Inspector, was not competent to initiate proceedings under the Act. The prosecution case is that the applicant was apprehended during routine patrolling from a public place. The applicability of Section 17(2) to such recovery, the competency of the complainant and the legal effect of the objections raised by the defence are arguable questions requiring proper examination during trial. Without expressing any conclusive opinion thereon, these aspects, in the peculiar facts and circumstances of the case, call for further inquiry within the meaning of Section 497(2), Cr.P.C.

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case for the grant of post-arrest bail. Consequently, this Bail Application is **allowed** and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is made clear that, in the event the concession of bail is misused for any reason, the trial Court shall be at liberty to pass appropriate orders in accordance with law.

9. Needless to observe that the observations made herein are tentative in nature and shall not influence the learned trial Court, which shall decide the case independently based on the evidence adduced before it.

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