

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No.2309 of 2026

Cr. Bail Application No.2434 of 2026

Cr. Bail Application No.2620 of 2026

Present:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Khalid Hussain Shahani

Applicant:- Mst. Naheed [in Cr. B.A. No.2309/2026]
through Mr. Shah Imroz Khan, advocate.

Applicant:- Mst. Fazeela [in Cr. B.A. No.2434/2026]
through Mr. Mallag Assa Dashti, advocate.

Applicant:- Abdul Manan [in Cr. B.A. No.2620/2026]
through Mr. Sarvech Abbasi, advocate.

Respondent:- The State through Mr. Mumtaz Ali Shah,
Additional Prosecutor General a/w
Inspector Khuda Bux Lashari and
Inspector Abdul Shoaib of PS
Shah Latif Town, Karachi.

Date of hearing:- 08.09.2026

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MUHAMMAD IQBAL KALHORO J: On 18.05.2026, a police team of PS Shah Latif Town, District Malir, headed by SIP Gul Munir waylaid five persons, two women among them, riding on two motor cycles at Malir Naddi Kinara, New Road near Murgu Khana, Malir, Karachi. Their personal search led to recovery of, in all 25.200 Kgs of charas, from their possession. Individually, from applicant Mst. Naheed 2400 grams of charas was recovered. Hence, they all were booked in the present case and charged accordingly.

2. Applicants' counsel have pleaded bail on the grounds, among others, that Mst. Naheed has given birth to a baby girl inside the Jail, the welfare of the minor is incompatible with the jail life; hence in order to provide a proper and healthy environment to the newly born baby girl, applicant Mst. Naheed is entitled to bail. The ground of bail for applicant Mst. Fazeela is that she is a lady and is therefore entitled

to bail as she has minor children. Learned counsel for applicants have relied upon 1996 SCMR 973, 2017 MLD 1367, 2019 MLD 176, PLD 2018 Peshawar 138, 2024 SCMR 1528, 2025 YLR 1220, 2025 SCMR 432 and 2026 YLR 557 to support their contentions.

3. We have considered submissions of the parties and perused material available on record. *Prima facie* huge quantity of narcotics weighing 25.200 Kg of charas in total has been recovered by the police from the accused. Such recovery is supported by 161 CrPC statements of the witnesses, who have apparently no enmity to implicate the accused falsely.

4. However, in the case of applicant Mst. Naheed, an extenuating circumstance, i.e. delivery of a baby girl is available. From her individual person, only 2400 grams of charas is shown to have been recovered, relatively a small quantity, compared to the total recovery. The Courts in the past in various decisions ¹have considered the effect of suckling baby being kept inside the Jail with the accused mother and have granted bail on this ground to the accused, even in the cases of murder. We, therefore, in consideration of such fact i.e. delivery of a baby girl, (which is duly verified by a report of SHO PS Shah Latif Town through a statement filed today), in order to provide her healthy environ, grant bail to applicant Mst. Naheed subject to furnishing a solvent surety in the sum of Rs.2,00,000/- and PR Bond in the like amount to the satisfaction of the trial Court.

5. However, the other accused are not entitled to bail being *prima facie* involved in heinous offence, against the society. Consequently, we dismiss their applications. The trial Court is directed to examine the witnesses as soon as possible preferably within six months after which

¹ Mst. Naseehan v. The State v. The State (2012 PCrLJ 869); Mst. Javeria v. The State (2017 MLD 1367); Mst. Haseena v. The State (2019 MLD 176); Mst. Nazima Bibi v. The State and another (PLD 2018 Peshawar 138); Mst. Irshat Bibi v. The State and another (2024 SCMR 1528); Mst. Asima and another v. The State (2025 YLR 1220); Amna Naz v. The State and another (2025 SCMR 432) and Bakhtawar v. The State (2026 YLR 557)

the applicants may apply for fresh bail before the trial Court to be decided in accordance with law on merits.

6. The Cr. Bail Applications are disposed of. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

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