

ORDER SHEET

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D- 1378 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For order on office objection (s)
For hearing of main case

12.8.2025

Mr.Abdul Majeed Magsi, Advocate a/w Petitioner
Mr.Muhammad Ismail Bhutto, Asst. A.G Sindh
Mr.Siraj Ahmed Bijarani, A.P.G Sindh

The petitioner is present on interim pre-arrest bail. However, in view of the recent amendments introduced by the Provincial Assembly of Sindh through the Sindh Control of Narcotic Substances (Amendment) Act, 2024 (Sindh Act No. VIII of 2024), whereby Section 35 of the principal Act has been substituted, vesting jurisdiction in the “**Special Courts**” or “**Competent Courts**” to entertain bail applications, and considering that the said amendment is pending assent by the Governor of Sindh and publication in the official Gazette, this Court presently lacks jurisdiction and is rendered *coram non judice*. When confronted with this legal position, learned counsel for the petitioner does not press the instant petition. However, he requests that the present petition may be converted into one for protective bail.

Learned A.A.G and A.P.G. Sindh do not oppose such request.

Accordingly, the instant petition is converted into one for **protective bail**. Office is directed to assign a fresh number accordingly. The petitioner/applicant is admitted to protective bail for a period of fifteen (15) days, on the same surety already furnished pursuant to the interim order dated 24.7.2025 passed by this Court. The applicant shall appear before the Special Court/Competent Court

within the stipulated time for seeking appropriate relief in accordance with law. The said Court shall entertain and decide the bail application of the applicant on merits, in light of the guidelines laid down by this Court in **C.P. No. D- 625 of 2025 (Re: Hafeezullah Lashari v. Province of Sindh and others)** at Circuit Court Larkana and **C.P. No. D-725 of 2025 (Re: Peer Bux v. The State and others)** at Circuit Court Hyderabad. In case the applicant fail to appear before the concerned Court within the aforesaid period, the surety already furnished shall stand forfeited automatically.

Instant Criminal Bail Application stands **disposed of** in the above terms.

JUDGE

JUDGE

AHSAN K. ABRO