

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Criminal Bail application No.D-205 of 2025

Present:

Justice Tasneem Sultana
Justice Jan Ali Junejo

Applicant : Nizamuddin alias Nizam s/o Ghulam Muhammad through Mr. Ghulamullah Chang, advocate.

Respondent : The State, through Ms. Ms. Rameshan Oad, Assistant Prosecutor General, Sindh, along with SIP Ali Bux of PS Matiari.

Date of hearing : 06.01.2026
Date of order : 06.01.2026

ORDER

TASNEEM SULTANA, J. Through this bail application, the applicant Nizamuddin alias Nizam seeks post arrest bail in Crime No.140 of 2025, under Sections 9 (1) 3 (c) The Sindh Control Of Narcotic Substances Act, 2024 (SCNSA), registered at PS Matiari, after his post arrest bail application was declined by the learned Sessions Judge/Special Judge CNS, Matiari, vide order dated 25.10.2025.

2. Brief facts of the case are that on 15.10.2025, a police party of CIA Matiari, headed by ASI Madad Ali Solangi, while on routine patrolling duty vide DD Entry No.17 at about 1540 hours, apprehended the applicant/accused Nizamuddin alias Nizam s/o Ghulam Muhammad at Tando Allahyar Dari Mori, near village Soomar Chand. On seeing the police mobile, the applicant/ accused allegedly attempted to flee but was apprehended by the police party at about 1710 hours. Upon search of a pink plastic shopper allegedly carried by him, 400 manpuries and 1100 grams of Charas were recovered. Due to non-availability of private mashirs, police officials PC Bashir Ahmed and PC Mehdi Hassan were shown as mashirs; for that he was booked in the aforementioned FIR, however, a separate FIR under The Sindh Prohibition of Preparation, Manufacturing, Storage, Sale and Use of Gutka and Manpuri Act., 2019, was also registered against him.

3. Learned counsel for the applicant contended that the applicant/accused is innocent and has been falsely implicated by the complainant; that the alleged

place of arrest and recovery is a thickly populated area, yet no private person was associated to witness the alleged proceedings; that the present case calls for further inquiry, as all the prosecution witnesses are police officials and subordinates of the complainant; that as per the contents of the FIR, only cash amounting to Rs.1,000/- was allegedly recovered from the applicant/accused, which clearly shows that the story of selling manpuries and charas narrated in the FIR is false, fabricated, and concocted; that the alleged seizure and arrest were effected by an ASI of CIA Matiari, who is not authorized to conduct such seizure and arrest, which is in violation of Section 17 of the Sindh Control of Narcotic Substances Act, as only an officer not below the rank of SIP is authorized to do so. Therefore, at this stage, the case against the applicant/accused is squarely one of further inquiry, to be determined at the time of trial.

4. Conversely learned APG opposed the instant bail application and contended that applicant/accused is nominated in FIR and 1100 grams Charas has been recovered from his exclusive possession; No malafide on the part of police for false implication of applicant/ accused has been established. The FIR has been registered promptly.

5. Heard and record perused.

6. In the present case, although the alleged recovery is of 1100 grams of Charas, the surrounding circumstances create substantial doubt. The FIR and recovery was allegedly effected by an ASI, who, under the relevant statutory framework, lacks the requisite authority to conduct such operations. The non-association of private mashirs in such circumstances undermines the credibility of the prosecution case. Additionally, no video recording or photographic evidence of the recovery proceedings has been placed on record, despite the availability of technology and the statutory expectation of transparency under such circumstances, in terms of Section 17(2) of Sindh Control of Narcotics Substances, Act, 2024. Reliance is placed on the cases of *Muhammad Abid Hussain v. The State* (2025 SCMR 721) and *Zahid Sarfaraz Gill v. The State* (2024 SCMR 934). It is a well-entrenched principle that in cases hinging solely on police testimony, the benefit of doubt must be afforded to the accused, even at the bail stage.

7. Furthermore, the investigation is complete, and the applicant is no more required for further investigation.

8. In the circumstances and in view of above legal as well as factual position of record the applicant has successfully made out a good *prima facie* case for

grant of bail. The case of the applicant is purely covered by Section 497(2) Cr.P.C. Accordingly, the instant bail application is allowed and consequent thereto, accused/applicant Nizamuddin alias Nizam is admitted to bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (One hundred thousand rupees) and P.R. Bond in the like amount to the satisfaction of the trial Court.

9. The observations made hereinabove are tentative in nature which shall not influence the trial Court at the time of trial.

J U D G E

J U D G E

Irfan Ali