

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

Criminal Bail application No.D-129 of 2025

**Present:**

Justice Tasneem Sultana  
Justice Jan Ali Junejo

**Applicant** : Zeenat @ Kiki d/o Dinal Shah @ Niyaz Ali Shah, through M/s. Ishrat Ali Lohar and Adnan Shakeel Shaikh, advocates.

**Respondent** : The State, through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh, along with Inspector Farhan Shaikh I.O. of the case.

**Date of hearing** : **06.01.2026**  
**Date of order** : **06.01.2026**

**ORDER**

**TASNEEM SULTANA, J.**- Through this bail application, the applicant Zeenat @ Kiki seeks post arrest bail in Crime No.104 of 2025, under Sections 9 (i) 3 (c) The Sindh Control of Narcotic Substances Act, 2024 (SCNSA), registered at PS SITE Area, Hyderabad, after her post arrest bail application was declined by the learned Additional Sessions Judge-II/Special Judge CNS, Hyderabad, vide order dated 25.08.2025.

2. Brief facts of the case are that on 12.07.2025, a police party of PS SITE, Hyderabad, headed by SIP Manzoor Ali Korai, while on routine patrolling and checking duty vide roznamcha entry No.20 at about 2000 hours, apprehended Mst. Zeenat alias Kiki d/o Dinal Shah, near Dargah Asadullah Shah, SITE, Hyderabad, on the pointation of a spy. On seeing the police party, the accused allegedly attempted to slip away but was apprehended at about 2030 hours. Upon search of a black plastic bag allegedly carried by her, four pieces of Charas weighing 2030 grams were recovered. Due to non-availability of private mashirs, police officials HC Mahmood and LPC Bibi Kanwal were shown as mashirs; for that she was booked in the aforementioned FIR.

3. Learned counsel for the applicant contended that applicant/accused has been falsely implicated, and the alleged recovered substance has been foisted

upon her. On the day of the incident, the complainant along with other officials of Police Station SITE allegedly came to the applicant's property with the intention to forcibly vacate the same. The applicant/accused informed the complainant and other officials that a dispute regarding the inherited property was pending adjudication before the learned Senior Civil Judge-II, Hyderabad. Despite this, the complainant and other officials remained adamant and acted at the behest of the builder mafia; that prior to the registration of the FIR, the sister of the applicant/accused had filed an application under Sections 22-A & 22-B Cr.P.C. against the officials of Police Station SITE, from which the enmity and malice of the said officials are evident. Subsequently, the concerned officials of Police Station SITE lodged a series of FIRs against the applicant/accused merely to harass and pressurize her, without any lawful justification, which clearly reflects their mala fide intentions; 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 except for the version of the police, there is no independent material to connect the applicant/accused with the commission of the alleged offence; that the complainant relied solely on his subordinate staff and failed to associate private witnesses, which weakens the prosecution case; that there is complete non-compliance with the mandatory provisions of Section 17 (2) of The Sindh Control of Narcotic Substances Act, 2024; that no video recording of the alleged raid, seizure or arrest has been mentioned, produced or placed on record; that such omission amounts to clear violation of express statutory mandate and the same undermines the transparency and authenticity of the alleged recovery, thereby rendering the prosecution case open to serious doubt. In support of his contentions he has relied upon 2024 SCMR 1596 (*Ali Anwar Paracha versus The State and another*) and 2023 SCMR 1712 (*Ch. Saeed Ahmed Khalil versus The State and another*).

4. Conversely learned APG opposed the instant bail application and contended that applicant/accused is nominated in FIR and 2030 grams of Charas has been recovered from her exclusive possession; that no malafide on the part of police for false implication of applicant/ accused has been established; that PWs have supported the version of the prosecution; that the FIR has been registered promptly; that as per column No.4 of charge sheet video recording in shape of USB has been placed on record, therefore, present applicatn is not entitled for concession of bail.

5. Heard and record perused.

6. It reflects from the record that the applicant/accused was apprehended at the spot and 2030 grams Charas was recovered from her personal possession.

The alleged offence falls under Section 9(1) (3) (c) of the SCNSA, which is punishable with imprisonment that may extend to 14 years but shall not be less than 9 years, along with a fine up to five hundred thousand rupees, but not less than one hundred thousand rupees. In the case of *Jabran and another versus The State through Director General FIA and others* (2025 SCMR 1099) Hon'ble Supreme Court of Pakistan has discussed the question of imposition of maximum sentence. The relevant portion is reproduced as under:-

*"6. We have gone through the referred judgments and have not been persuaded by the argument of the learned counsel that the minimum period of sentence is to be considered at bail stage for the purpose of section 497(1) Cr.P.C. Such interpretation is not supported by any law or subsequent jurisprudence established by this Court. At bail stage, the Court is not to undertake any speculative exercise or guess work regarding the probable length of sentence that will likely be awarded at the end of a trial. Doing so would amount to a deeper appreciation of evidence, which is prohibited at bail stage. Additionally, any such attempted categorization of sentencing or speculation at bail stage could prejudice future proceedings by pre-empting the mind of the Trial Court."*

In recent judgment in *Barkat Ullah versus The State and another, Crl. Misc. No. 431-B/2024* it is held by Larger Bench of Islamabad High Court that:-

*"(a) The expression "punishable" used in section 497(1) Cr.P.C. refers to the maximum punishment provided for an offence. Thus if an offence is punishable by ten years or more, then subject to other legal grounds, the same would attract statutory prohibition contained in section 497(1) Cr. P.C. and*

*(b) It is held that if provision of the Act of 1997 provides for maximum punishment of ten years and more, it shall attract the prohibitory clause of section 497(1), Cr.P.C. The applicability of the term "borderline case" developed in the context of erstwhile provisions of the Act of 1997 i.e. section 9(c), would amount to anticipating possible period of conviction at bail stage, which exercise is not permissible while making tentative assessment of a criminal case."*

In another case of *Muhammad Aslam versus The State* (2023 SCMR 2056) Hon'ble Supreme Court of Pakistan has observed as under:-

*"The offence is heinous in nature as it contributes to the menace of drugs having grave repercussions on the society. Prima facie the material available on the record connects the petitioner with the commission of the crime. The offence falls within the prohibitory clause of section 497, Cr.P.C. The impugned order is well reasoned, proceeds on correct principles of law on the subject and does not call for interference by this Court."*

7. The said offence, therefore, falls within the ambit of prohibitory clause of Section 497 CrPC read with bar contained in Section 35 of SCNSA. Therefore, there is prima facie sufficient material on the record to believe involvement of the

applicant/accused in the alleged offence. It is also pointed out that, as per column No.4 of charge sheet, video recording in shape of USB has also been placed on record.

8. It is a well-settled principle of law that deeper appreciation of evidence is not warranted at the bail stage, and determining the merits of the case at this point would be inappropriate.

9. In view of the red-handed arrest of the applicant along with a substantial quantity of charas, duly confirmed through a positive forensic report, her case squarely falls within the prohibitory clause contemplated under section 497(i), Cr.P.C. Prima facie, sufficient incriminating material is available on record connecting her with the commission of the offence; therefore, no case for grant of bail is made out. Consequently, this bail application is dismissed.

10. Needless to observe, the trial Court shall proceed independently on the basis of evidence adduced before it, uninfluenced by the observations made hereinabove.

**J U D G E**

**J U D G E**

Irfan Ali