

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Before:

MR. JUSTICE OMAR SIAL.
MR. JUSTICE ALI HAIDER 'ADA'.

Criminal Bail Application No.D-181 of 2025.

'Khuda Bux Vs. The State'

Applicant: Khuda Bux through Mr. Sajjad Ali Laghari, Advocate.

Respondent: The State through Ms. Ramaishan Oad, Deputy Prosecutor General.

Date of hearing: 14.01.2026.

Date of decision: 22.01.2026.

O R D E R

ALI HAIDER 'ADA', J.- Through this bail application, the applicant seeks post-arrest bail in Crime No. 07 of 2025 registered under Sections 9(1)(c) and 9(2)(b) of the Sindh Amended Act, 2024 at P.S. Excise & Narcotics Control Circle, Kotri, District Jamshoro. The applicant's earlier bail application was dismissed by the learned trial Court vide order dated 06.10.2025.

2. Briefly, the prosecution case is that on 17.08.2025, between 08:00 p.m. and 09:00 p.m., the excise officials allegedly recovered 710 grams of heroin and 665 grams of ice from the accused/applicant while he was seated in a passenger coach, whereafter, upon completion of codal formalities, the FIR was lodged

3. Learned counsel for the applicant contended that the alleged recovery is doubtful due to non-compliance with Section 103 Cr.P.C., as the contraband was not recovered from the physical possession of the applicant, the coach number was not mentioned, and no photographs were taken, placing reliance upon reported judgments.

4. Conversely, learned counsel for the State opposed the application on the ground that the offence involves recovery of heroin and ice, which is detrimental to society, and therefore, the applicant does not deserve the concession of bail.

5. Heard and perused the material available on record.

6. No doubt, offences involving modern narcotics, such as ice, as well as heroin which are commonly used in society, are difficult to detect and curb. However, where the prosecution alleges involvement of the accused in such offences, the concession of bail is to be examined with great care and caution. In the present case, the prosecution has alleged recovery of 710 grams of heroin, which attracts punishment extending to fourteen years under Section 9 of the Sindh Control of Narcotic Substances (Amendment) Act, 2024, thereby bringing the case within the prohibitory clause. Consequently, the discretionary relief of bail cannot be granted as a matter of routine. Reliance is placed upon the case of **Muhammad Aslam vs The State 2023 SCMR 2056 and Mst. Fursan vs The State 2022 SCMR 1950**.

7. Furthermore, the alleged recovery of 665 grams of ice (crystal methamphetamine), which is internationally recognized as a highly dangerous psychotropic substance, is prohibited under international law, particularly the 1971 UN Convention on Psychotropic Substances, wherein methamphetamine is listed as a controlled substance. Its trafficking and non-medical use are strictly banned worldwide due to its grave threat to public health and social order.

8. In view of the above, the applicant has failed to make out a case for the grant of bail. Accordingly, the instant bail application is dismissed. The observations made herein are tentative in nature and shall not prejudice either party at the time of trial.

JUDGE

JUDGE

Ali.