

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.D-57 of 2026

PRESENT

Mr. Justice Jawad Akbar Sarwana.

Mr. Justice Syed Fiaz ul Hassan Shah.

Applicant: Ali Gohar son of Saleh Muhammad Brohi.
Through Mr. Aijaz Hussain Jatoi, Advocate.

Respondent: The State
Through Ms. Rameshan Oad, D.P.G.

Date of hearing: 01.04.2026

Date of decision: 07.04.2026

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.101 of 2025 registered under sections 9(2), (4), Sindh Control of Narcotic Substance Act 2024, with P.S Taluka Nawabshah. After the arrest applicant preferred his bail plea before the Court of Special Judge Narcotic, Shaheed Benazirabad vide Criminal Bail Application No.228 of 2026 (Re-Ali Gohar Vs. The State) and same was dismissed vide order dated 28.01.2026; hence, instant bail application has been maintained.

2. The applicant was booked in case for the recovery of narcotic i.e. 4 kilo and 30 grams ice from near Katcho path via Nawabshah-Kazi Ahmed road village Kazi Ameer Ali Northern side of P.S. Taluka Nawabshah.

3. It is inter-alia contended by the counsel for applicant that applicant/accused is innocent and has falsely been involved in this case due to political rivalry as he was the supporter in the last general election against the ruling party. In addition to present FIR, further FIR No.100 of 2025 and 102 of 2025 were also motivated malafidely and in both the cases the applicant has been acquitted; that no video recording as required under Section 17(2) of Sindh CNS Act was made and no independent witness was arranged at the time of alleged recovery of the narcotic thereby section 103 was violated; that challan has been submitted before the Trial Court, the applicant is no more required for investigation and there is no apprehension that the applicant is attempting to temper or destroy the prosecution's evidence.

4. On the other hand, learned DPG opposed the bail application on the ground that applicant has been nominated in the FIR with specific role and he was arrested at spot along with narcotic, therefore, at this stage he is not entitled for concession of bail in his favour.

5. We have heard the learned counsel for parties and perused the record.

6. We find no merit in the contention of the learned counsel for the applicant regarding false implication on account of political enmity. No tangible material has been produced before this Court to substantiate such a claim or warrant judicial interference on that basis; mere verbal assertions, unsupported by the record, are insufficient to rebut the prosecution's case at this stage. This is particularly relevant given the significant recovery of narcotics—specifically **4030 grams of Ice**—from the conscious and exclusive possession of the applicant, for which no plausible justification has been offered. Furthermore, we are not inclined to accept the argument concerning the quantity of the sample sent for chemical analysis. While it is noted that the prosecution subsequently moved an application before the Trial Court on **21.01.2026** to send the remaining case property, any alleged procedural defects regarding sampling or the chain of custody are matters to be agitated during the trial and the recording of evidence. Given the fact that the recovered quantity falls under prohibitory clause of section 497 Cr.P.C which attracts a minimum punishment of **14 years**, and no reasonable ground exists to believe the applicant has been falsely implicated, this bail application is hereby **dismissed**. However, the learned trial Court is directed to conclude the trial expeditiously preferably within a period of four months from the date of this order in accordance with law.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

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