

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.D-67 of 2026
Criminal Bail Application No.D-68 of 2026

PRESENT

Mr. Justice Jawad Akbar Sarwana.

Mr. Justice Syed Fiaz ul Hassan Shah.

Applicants: Shazia Bibi w/o Zubair and Shahnaz Bibi w/o Syed Ali.
Through Mr. Zafar Ali Leghari, Advocate.

Respondent: The State
Through Mr. Sheryar Shar, Special Prosecutor ANF.

Date of hearing: 07.04.2026

Date of decision: 14.04.2026

ORDER

Syed Fiaz ul Hassan Shah, J: Through the above captioned both applications, the applicants seek their admission to post arrest bail in Crime No.67 of 2025 and Crime No.68 of 2025 respectively registered under sections 6, 9(1), 3(d) Sindh Control of Narcotic Substance Act 1997, with P.S ANF, Hyderabad. Subsequent to their arrest, both applicants individually preferred their bail plea before the Court of Model Criminal Trial Court-I/1st Additional Sessions Judge/Special Judge CNS Court Hyderabad and same were dismissed vide two separate Orders dated 01.01.2026; hence, instant bail applications have been maintained.

2. The applicant Shazia Bibi was arrested near Wadu Wah Gate, near Road Sukkur to Karachi National Highway, Hyderabad and booked in case for the recovery of (08) packets of charas wrapped in yellow solution tape and each packet weighing 1200 grams (gross), total gross weight of 9.600 kilograms of charas. From each packet, 10 grams of charas was separated as a sample for chemical examination and FIR No.67 of 2025 was registered against her.

3. Similarly, the applicant Shahnaz Bibi was arrested from opposite side Ayoub Hotel at Hyderabad National Highway and police recovered (07) packets of charas wrapped in yellow colour solution tape, each packet weighing 1200 grams, total gross weight of 8.4

kilograms, out of which 10 grams from each packet were separately taken out as samples for chemical analysis; hence FIR No. 68 of 2025 was registered.

4. The learned Counsel has taken the common grounds for the both Applicants who according to the learned Counsel are real sisters, therefore we are disposing both bail applications through this common Order.

5. It is inter-alia contended by the counsel for applicants that applicants/accused are innocent and have falsely been involved in this case. He further contended that no video recording was carried out by the prosecution and therefore principal laid down in the case of *Muhammad Abid Hussain vs the State and another (2025 SCMR 721)*, *Zahid Sarfaraz Gill vs the State (2024 SCMR 934)*, the applicants are entitled for the concession of post arrest bail. He further submitted that the entire case property was not sent for chemical analysis except 10 grams piece of sample was sent and there is no official description about the remaining case property. He next contended that applicants were arrested since 05.12.2025 and since then the case has not been proceeded and they are facing incarceration without any fruitful development in the case[s]. He urged that 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 applicants are no more required for investigation and there is no apprehension that the applicants are attempting to temper or destroy the prosecution's evidence.

6. On the other hand, the learned Special Prosecutor for the ANF opposed the bail application on the grounds that the applicants were nominated in the FIR with specific roles and were arrested on the spot in possession of narcotics; therefore, at this stage, they are not entitled to the concession of bail. He further contended that the **principles** laid down in the cases relied upon by the counsel for the applicants do not establish that applicants are entitled to bail solely due to the absence of video recording. He argued that samples were extracted in compliance with Rules 3 and 4 of the CNS (Government Analyst) Rules, 2001. The offence carries a punishment ranging from 9 to 14 years. Citing a recent unreported judgment of the Hon'ble Supreme Court (**Criminal Petition No.150-K/2024**), he maintained that when considering a bail application, only the maximum statutory punishment should be considered. Thus, while the lesser punishment may fall under the non-prohibitory clause, the maximum punishment brings the case within the prohibitory clause.

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

8. We find no merit in the contention of the learned counsel for the applicant regarding the alleged lack of video recording or the failure to send case property for forensic analysis. Upon examination of the police file, we find that in both cases the crime

scene photographs were secured and the chemical laboratory's forensic report are duly available in police file. Regarding the omission to mention the video recordings of the search, seizure and recovery in Column No. 5 of the challan, this court cannot engage in a deeper appreciation of the evidence at this stage; such matters are to be addressed by the trial court during the recording of evidence. Furthermore, the applicants were arrested on the spot, and no explanation was provided regarding the recovery of a large quantity of narcotics from their exclusive possession. This brings the case within the prohibitory clause of Section 497(1) Cr.P.C. Consequently, the applicant is not entitled to post-arrest bail, and both bail applications are hereby dismissed. However, the trial court is directed to conclude the evidence within period of 04 months and in case of failure, the applicants are at liberty to move fresh bail application.

9. 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.

J U D G E

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Ahmed/Pa,