

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.D-50 of 2026

PRESENT

Mr. Justice Jawad Akbar Sarwana.

Mr. Justice Syed Fiaz ul Hassan Shah.

Applicant: Muneer Ahmed son of Noor Muhammad,
Through Mr. Imtiaz Ali Abbasi, Advocate.

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

Date of hearing: 28.04.2026

Date of decision: 06.05.2026

ORDER

Syed Fiaz ul Hassan Shah, J: The applicant was booked in crime No.20 of 2025 on the allegation that when the police party received spy information regarding applicant/accused that he taking a huge quantity of contraband charas in order to supply the same to his special customers as well as to the students of Juni University in front of SZABIST University, Tandi Sarak Road, Hyderabad, on such information police rushed there and in suspicion stopped the applicant tactfully and on his personal search recovered one packet wrapped with yellow solution tap and weighing the said charas found 1500 grams; hence, this FIR.

2. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. He further submitted that, despite having prior "spy information," the police failed to associate any independent witnesses to attest to the alleged recovery. He next contended that applicant was arrested since 02.05.2025 and since then the case has not been proceeded and he is 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 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.

3. Conversely, the learned D.P.G. for the State vehemently opposed the bail application. He argued that the applicant is nominated in the FIR with a specific role and was apprehended *red-handed* at the spot in possession of narcotics. He further argued that samples were extracted in compliance with Rules 3 and 4 of the CNS (Government Analyst) Rules, 2001.

4. We have heard the learned counsel for the respective parties and perused the available record with their assistance.

5. A perusal of the record indicates that the applicant was apprehended at the crime scene, with the alleged recovery of 1500 grams of charas from his immediate possession a fact for which no plausible justification has been offered. It is a well-settled principle that when considering bail in narcotics-related offenses, the maximum statutory penalty must be the primary consideration. 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**), she 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; therefore, at this stage, he is not entitled to the concession of bail. Given that the alleged offense carries a sentence of nine to fourteen years, the matter squarely falls within the prohibitory clause of Section 497(1) Cr.P.C. Regarding the contentions raised by the learned counsel specifically the non-association of independent witnesses such arguments necessitate a deeper appreciation of the evidence. It is a settled law that a 'deep-dive' into the merits or evidentiary nuances is impermissible at the bail stage; these are matters strictly reserved for the Trial Court to determine after a full recording of evidence.

6. We find that the recovery of a significant quantity of contraband from the applicant's direct possession constitutes a *prima facie* case against him. The applicant's silence on the reasons or arguments lacking police animosity or rancor regarding recovery of colossal quantity of narcotics substance is relevant to the court's assessment of their case.

7. Consequently, we find no merit in the present application. The application for post-arrest bail is hereby dismissed. However, keeping in view the sufficient period of incarceration, the Trial Court is directed to conclude the trial and record the evidence within a period of four (04) months from the date of receipt of this order and in case the trial Court fail to conclude within the stipulated timeframe, the applicant shall be at liberty to move a fresh bail application which shall be decided by the Trial Court on its own merits.

8. 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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