

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD

C.P. No.D-1236 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

21-08-2025

Mr. Junaid Soomro advocate for petitioner.

Mr. Muhammad Ismail Bhutto, A.A.G. Sindh

Mr. Shahid Ahmed Shaikh, A.P.G. Sindh.

On the last date of hearing, no one was present to pursue this petition, as such, following order was passed:-

“At the time of presentation of the instant petition, the office raised an objection as to its maintainability. Upon such objection, learned counsel for the petitioner made an endorsement to the effect that “statement along with bail order shall be filed at the time of hearing”. However, till date, neither such statement nor the said order has been filed.

The record reflects that FIR bearing Crime No. 68 of 2025 was registered at Police Station Railway Police, Hyderabad, for offences under **Sections 3 and 4 of the Prohibition (Enforcement of Hudood) Order, 1979**, read with Section 34, PPC in respect of alleged recovery of “Bhang”. Learned counsel for the petitioner, however, is seeking post-arrest bail in respect of the said FIR, contending in the petition that the Special CNS Court is barred, by virtue of Section 35 of the Sindh Control of Narcotic Substances Act, 2024, from hearing a bail application pertaining to the Sindh Narcotics Act, 2024, and has, therefore, prayed for grant of post-arrest bail.

It further appears from the record that remand order dated 17.06.2025 (available at page 31 of the court file) was passed by the learned Civil Judge & Judicial Magistrate-VII, Hyderabad, which reads as under:-

“The above named accused person is produced by I.O along with an application U/S 167 Cr.P.C. requesting therein for granting 14 days Police Custody remand of above accused persons in Crime # 68 U/S: 3 / 4 PEHO. On inquiry accused did not complain of maltreatment at the hands of police.

Heard and perused the record, which shows that the I.O has produce custody of accused persons along with instant remand application u/s 167 Cr.P.C. against the accused persons in crime # 68 U/S: 3 / 4 of PEHO against the recovery of Bhang (67 Kg). The perusal of record shows that the said intoxicate material (Bhang) is not falling within ambit of section 3 / 4 of PEHO and same has been in corporated under special law of narcotics substance Act 2024. (Sindh Act No.VIII of 2024). The I/O of case has inserted / misplaced the section in FIR through this order. He is also been communicated the same, and he directed to submit final report U/s 173 Cr.P.C. without any delay under

relevant law. However recovery has also been produced at the time of remand. Since the recovery has been effected from the accused persons. The accused are remanded to Judicial Custody with effect from 17.06.2025 to 29.06.2025 with specific directions to Investigation Officer to complete entire formalities, and to submit final report within stipulated period before this Court. Jail Authorities is also directed to produce accused above named before this Court on 30.06.2025. Order accordingly.”

However, there is nothing on record to indicate compliance with the said order of the learned Magistrate. Accordingly, the I.O. of the case is directed to be in attendance in person, along with the relevant record, on the next date of hearing.

In view of the above, learned counsel for the petitioner is also put on notice to satisfy the Court as to the maintainability of the instant petition.

To come up on **21.08.2025.”**

There is no report as to whether the Investigating Officer has complied with the referred order of learned Magistrate. Even otherwise, if the compliance thereof is made, then in the light of amendment made through **the Sindh Control of Narcotic Substances (Amendment) Act, 2025** (Sindh Act No. XVII of 2025), as published in the Sindh Government Gazette dated 18th August 2025, whereby Section 35 of the Principal Act has been amended, empowering the Special Court / Competent Court (Court of Sessions Judge) to entertain all bail applications. Accordingly, the instant petition stands **disposed of**. The petitioner is at liberty to approach the Competent Court for seeking the appropriate relief in accordance with law.

JUDGE

JUDGE