

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Before:

Mr. Justice Abdul Mobeen Lakho.

Mr. Justice Amjad Ali Bohio.

Cr. Bail Application No.D-183 of 2026.

[Zubair Ali Vs. The State]

Applicant : Zubair Ali through Mr. Khalid Saeed Soomro,
Advocate.

Respondent : The State through Ms. Rameshan Oad, Deputy
Prosecutor General along with IO/SIP
Shamasuddin Mallah.

Date of Hearing : 27.07.2026

Date of Order : 27.07.2026.

ORDER

Abdul Mobeen Lakho, J :- The Applicant above-named stands nominated in FIR No.06/2026, registered at Police Station Aminani, District Dadu, under Section 9(1), 3(c) of the Act 2024, in connection with the alleged recovery of 1050 grams of charas. Following his arrest, he has sought post arrest bail through this bail application.

2. Briefly stated, according to the prosecution's version set forth in the subject FIR, during a police patrol on 03.05.2026, at the time and place mentioned therein, the applicant was apprehended after he attempted to flee upon seeing the police, while holding a shopping bag. A search of the shopping bag led to the recovery of 1050 grams of charas from the applicant's possession, which was seized and sealed on the spot.

3. Learned counsel for the applicant/accused states that no video recording of such recovery was made during such incident and even, the memorandum of recovery, FIR and challan have no reference with regard to recording of such video during incident, therefore, statutory violation of Section 17 (2) of Sindh Control of Narcotic Substances Act, 2024 has been committed as well as violation of dictum laid down by the Honourable Supreme Court of Pakistan in a cases of **Ndukwe Udoka Peter Vs. The State** (2025 S C M R 1657) and **Zahid Sarfaraz Gill Vs. The State** (2024 SCMR 934). He further contends that as per Section 17 (2) of Sindh

Control of Narcotic Substances Act, 2024 an officer, not below the rank of Inspector of Narcotics Control or equivalent authorized in this behalf by Director General Narcotics Control Sindh has any power to register the FIR and investigate the case but in this case the complainant is ASI. He lastly prayed that the case of the applicant/accused is one of further inquiry and the applicant/accused may be admitted to bail.

4. On the other hand, learned D.P.G opposed the Bail Application and stated that the applicant/accused was arrested on spot; that although there is no reference of video recording in FIR and memorandum of recovery but the police file's diary reflects that the recovery incident was recorded and the same is available in police file. Lastly, she prayed that the applicant/accused is also involved in two other cases, therefore, he is not entitled for concession of bail.

5. Heard learned counsel for applicant/accused as well as learned Deputy Prosecution General for the State and perused the record.

6. It is noted that the investigation has already been completed and the case has been formally challan. It is further noted that out of total 26 pieces of charas weighing 1050 grams allegedly recovered from the possession of applicant/accused, FIR mentions only 50 grams charas was sealed as sample without mentioning the fact about separating sample from each piece of charas, thereby, the prosecution case could only fall for recovery of 50 grams charas and such offence is punishable upto five (05) years, thereby, it is case of concession of bail and requires further inquiry. With regard to other two criminal cases, counsel for the applicant has placed on record the photocopies of orders wherein, in one case the applicant has been granted bail and in another case he has been acquitted under Section 265-K Cr.P.C. Moreover, the prosecution has not shown apprehension that the applicant, if he is so released on bail, will threaten the prosecution witnesses who are police officials or that he may tamper or damage the evidence. The applicant has made out a case for further enquiry in terms of subsection (2) of Section 497, Cr.P.C.

7. In view of above, the present applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) and P.R Bond in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

JUDGE

Tufail