

IN THE HIGH COURT OF SINDH, AT KARACHI
Cr. Bail Application No. 2415 of 2025

Present:
Acting Chief Justice Zafar Ahmed Rajput
Justice Miran Muhammad Shah

Applicant	:	Sabir Ali s/o Muhammad Ishaque, through Mr. Zubair Ahmed Sahito, Advocate.
Respondent	:	The State, through Mr. Mumtaz Ali Shah, Assistant Prosecutor general, Sindh (APG) -----
Date of hearing	:	10.10.2025
Date of order	:	10.10.2025 -----

ORDER

ZAFAR AHMED RAJPUT, ACJ. - Through instant Criminal Bail Application, applicant/accused Sabir Ali s/o Muhammad Ishaque, seeks post-arrest bail in Crime No. 352 of 2025, registered at P.S. New Karachi Industrial Area, Karachi-Central under section 9(1) 3 (b) of the Sindh Control of Narcotics Substance Act, 2024 (*the “Act”*). His earlier application for the same relief bearing No. 138 of 2025 was dismissed by the Special Judge Narcotics/ Sessions Judge, Karachi-Central vide order dated 02.09.2025.

2. As per F.I.R., on 23.06.2025 at 1435 hours, the applicant was arrested on a tipoff by Inspector Muhammad Ramzan Bajwa of P.S NKIA, Karachi-Central at Main Road, near Shuhada Masjid, Sector 6/B, New Karachi Industrial Area, Karachi on being found in possession of **510** grams of charas (*cannabis*) wrapped in polyethene bag, for which he was booked in the aforesaid F.I.R.
3. Heard, record perused.
4. Section 6 of the Act provides prohibition on production, manufacturing, extracting, preparation, possession, offer for sale, sell, purchase, distribution, delivery, transportation and dispatch of any “narcotic drugs”, “psychotropic substance” and “controlled Substance”; Section 7 (*ibid*) provides prohibition on import, export and transposition of the same, while Section 9 (1) of the Act provides punishments for contravention of section 6 & 7 of the Act regarding “narcotic drugs”

as given in column (3) of the TABLE with regard to offence committed, as per type and quantity, as mentioned in column (2) thereof. Cannabis (*charas*) has been defined under subclause (i) of clause (x) of Section 2 of the Act as “narcotic drug”, thus, it has been referred to in Serial No. 3 of the TABLE and made punishable with regard to offence committed, corresponding column No. 2 (b), with imprisonment up to nine years and not less than five years, for 500 grams to 999 grams in quantity. At the stage of bail, the lesser of two punishments is to be taken into consideration, as the quantum of punishment could only be decided by the trial Court after recording of evidence. Moreover, the case of applicant for possessing **510 grams** of charas is a borderline case, as the alleged weight also carries the weight of polyethene bag. The 11 grams quantity marginally exceeds the maximum limit of 499 grams, which is required to be considered as a case under section 9 (1) 3 (a) of the Act, which carries lesser punishment of ten months.

5. The charge-sheet against the applicant has been submitted; hence, his custody is no more required by the police for further investigation. He is confined in judicial custody since day of his arrest i.e. 23.06.2025. He has no previous record of involving in any crime. Despite prior information, police failed to associate any private persons to witness the alleged daytime borderline recovery of charas; as such, the guilt of the applicant falls within the ambit of further inquiry as contemplated by subsection (2) of the Section 35 of the Act.

6. We, therefore, allow the instant application and in result thereof, the applicant is admitted to post-arrest bail in aforesaid crime/offence subject to furnishing by him solvent surety in the sum of Rs. 100,000/- (*Rupees One Lac only*) and P.R. Bond in the like amount to the satisfaction of the Trial Court.

7. Above are the reasons of our short order, dated 10.10.2025.

Acting Chief Justice

JUDGE