

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 2503 of 2025**

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

<b>Applicants</b>	:	(1) Adnan s/o Allah Bux, (2) Hamid Ali s/o Ghulam Haider, Both through Mr. Feroz Gul Tunio, Advocate.
<b>Respondent</b>	:	The State, through Mr. Mumtaz Ali Shah, Assistant Prosecutor General, Sindh (APG) -----
<b>Date of hearing</b>	:	<b>10.10.2025</b>
<b>Date of order</b>	:	<b>10.10.2025</b> -----

**ORDER**

**ZAFAR AHMED RAJPUT, ACJ.** - Through instant Criminal Bail Application, the applicants/accused, Adnan s/o Allah Bux and Hamid Ali s/o Ghulam Haider, seek post-arrest bail in Crime/FIR No. 133 of 2025, registered at P.S. S.I.U. District Malir, Karachi under section 9(2) 4 of the Sindh Control of Narcotics Substance Act, 2024 (*the “Act”*). Their earlier application for the same relief, bearing No. 3751 of 2025, was dismissed by the Sessions Judge Malir, Karachi vide order dated 12.09.2025.

2. As per F.I.R., on 29.07.2025 at 2150 hours, the applicants were arrested on a tipoff by the SIP, Syed Akber Ali Shah, of P.S S.I.U., Malir, Karachi from Haji Dilbod Goth, Pir Mehfooz Road, Khayaban-e-Muhammad, Malir, Karachi on being found each in possession of 250 grams of methamphetamine (ICE), for which they were booked in the aforesaid F.I.R.
3. Heard, record perused.

4. It appears that Methamphetamine (*ICE*) has been defined under subclause (ii) of clause (x) of section 2 of the Act as “*narcotic drug*”. 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 transportation of the same, while section 9 (1) of the Act provides punishments for contravention of sections 6 & 7 of the Act regarding “*narcotic drugs*” as given in column (3) of the TABLE with regard to the offence committed, as per type and quantity, as mentioned in column (2) thereof. However, no punishment has been provided under the said TABLE for methamphetamine.

5. It further appears that the term “*psychotropic substance*” has been defined under clause (jj) of section 2 of the Act, which means the substance, natural or synthetic, or any natural or any salt or preparation of such substance or material included in the list of *psychotropic substance*, specified in the Schedule-III (a) and such substances as Government may, by notification in the official Gazette, declare to be a *psychotropic substance*. At Serial No. 49 of the Schedule-III (a), relating to *psychotropic substances*, Methamphetamine, with the name of international non-proprietary name, and with other non-proprietary or trivial name as *ICE/Chalk/Crystal*, appears as *psychotropic substance*. For that punishment has been provided under subsection (2) of the section 9 of the Act for contravention of sections 6 & 7 (*ibid*) regarding “*psychotropic substances*” as given in column (3) of the TABLE with regard to the offence committed, as per quantity, as mentioned in column (2) thereof. As per Serial No. 4 of

the said TABLE, psychotropic substance has been made punishable corresponding column No. 2 with imprisonment up to five years and not less than three years for 100 grams to 500 grams in quantity. Section 35 of the Act places a prohibition on releasing an accused on bail, if there appears reasonable grounds for believing that he has been guilty of an offence punishable with death, imprisonment for life or imprisonment upto five years. However, 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.

6. The charge-sheet against the applicants has been submitted; hence, their custody is no more required by the police for further investigation. They are confined in judicial custody since the day of their arrest i.e. 29.07.2025. They have no previous record of involvement in any crime. Despite prior information, police failed to associate any private person to witness the alleged recovery of methamphetamine; as such, the guilt of the applicants falls within the ambit of further inquiry as contemplated by subsection (2) of the section 35 of the Act.

7. We, therefore, allow the instant application and in result thereof, the applicants are admitted to post-arrest bail in the aforesaid crime/offence subject to furnishing by them solvent sureties in the sum of Rs. 100,000/- (*Rupees One Lac only*), each, and P.R. Bonds in the like amount to the satisfaction of the Trial Court.

8. Let a copy of this order be sent to the Secretary Law, Government of Sindh, Advocate General, Sindh and the Prosecutor General, Sindh to look

into the anomaly in respect of definition of “*methamphetamine*” under subclause (ii) of clause (x) of section 2 of the Act as “*narcotic drug*”, but providing sentence under definition of “*psychotropic substance*” as discussed in paragraph Nos.4 and 5 *supra*.

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

**Acting Chief Justice**

**JUDGE**

*Tahseen*