

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

Cr. Bail Appl. No. D- 137 of 2025  
[ Asghar Ali v. The State ]

**Before :**

Mr. Justice Omar Sial

Mr. Justice Mohammad Abdur Rahman

Mr. Pervaiz Tariq Tagar, Advocate for applicant  
Ms. Rameshan Oad, D.P.G

Date of Hearing : 12.02.2026

Date of Announcement :

**ORDER**

**Omar Sial , J.** - Asghar Ali was arrested on 24.08.2025 by a police party of the Odero Lal police station led by A.S.I. Ghulam Mustafa Mallah when he was in possession of six small and large pieces of charas, with an aggregate weight of 1240 grams. F.I.R. No. 47 of 2025 was registered under section 9(1)3(c) of the Sindh Control of Narcotic Substances Act, 2024.

2. The applicant's learned counsel has argued that Asghar is innocent, and that the police foisted the narcotics on him on the behest of a landlord named Ghulam Qadir Hingoro with whom Asghar has an inimical relationship; that there is a violation of section 17(2) of the Sindh CNS Act, 1997; section 103 Cr.P.C. was not complied with; the F.I.R. was lodged after one and a half hours. The learned Assistant Prosecutor General supported the dismissal of bail.

3. We have heard the learned counsel and the learned Special Prosecutor and tentatively perused the record. Our observations and findings are as follows.

4. We will first address the submissions made by the applicant's learned counsel. At this preliminary stage, there is no evidence upon which we can observe that a false case at Hingoro's behest was registered. The applicant will have to prove this allegation at trial. As regards non-compliance of section 17(2) of the Sindh CNS Act, 1997, it is to be seen whether the said section is mandatory or directory and whether it is to be read alone or in

conjunction with section 17(1) of the Act. Answers to these questions are beyond the scope of a bail order. Section 20 of the Sindh CNS Act, 1997, excludes the applicability of Section 103 Cr.P.C. The Supreme Court has clarified this in the case of an analogous provision, i.e., section 25 of the CNS Act, 1997. Reference may be made to Tariq Mehmood vs. The State (PLD 2009 SC 39). Upon a tentative assessment, registering an F.I.R. within one and a half hours of the arrest and seizure constitutes prompt registration. The applicant will have an opportunity at trial to explain why the 1.5-hour delay is consistent with police manipulation.

5. Upon a tentative assessment, the applicant was caught red-handed with 1240 grams of charas in his direct possession. Possession of a narcotic substance is prohibited under the Sindh CNS Act 2024. The punishment for possessing 1240 grams of charas ranges from nine to twelve years. There was a possibility that the punishment falls within the non-prohibitory clause of section 497 Cr.P.C. however learned counsel has been unable to deny that the Supreme Court, in the case of **The State vs. Gul Nawab (Criminal Petition No. 150-K/2024)**, has held that, in bail applications in narcotic cases, the higher sentence is to be considered. Malafide, though alleged, has not been supported by anything at this preliminary stage. The applicant charged with similar offences in three previous cases also does not help his case. The applicant has failed to make out a case for the grant of bail.

6. The application is dismissed.

JUDGE

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