

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

Cr. Bail Appl. No. D- 125 of 2025
[Abdul Rasheed v. The State]

Before :

Mr. Justice Omar Sial

Mr. Justice Mohammad Abdur Rahman

Mr. Francis Lucas Khokhar, Advocate for applicant
Ms. Rameshan Oad, D.P.G

Date of Hearing : 12.02.2026

Date of Announcement :

ORDER

Omar Sial , J. - Abdul Rasheed was arrested on 27.05.2025 by the Odero Lal police station when he was in possession of 1120 grams of charas. F.I.R. No. 28 of 2025 was registered under section 9(1)3(c) of the Sindh CNS Act, 2024.

2. I have heard the applicant's learned counsel and the learned Assistant Prosecutor General. The applicant's counsel's arguments are reflected in my observations below.

3. It has been argued that the applicant has a dispute over a plot of land with his opponents and that the F.I.R. has been registered on their behest. Who these people are and what exactly the dispute is have not been explained in either the bail application or the oral arguments. Section 20 of the Sindh CNS Act, 1997, expressly excludes section 103 Cr.P.C. from its ambit. The charas was recovered from the applicant's possession; hence, it cannot be said that the applicant was not in conscious possession. Possession of a narcotic substance in itself is an offence. There is no requirement to also find a buyer for the offence to be complete. Whether section 17(2) of the Sindh CNS Act, 2024, is mandatory or directory and whether it is to be read in conjunction with section 17(1) of the Act, is beyond the scope of a bail order. Learned counsel has been unable to cite any decision of the Supreme Court where the non-recording of a video is sufficient for the grant of bail.

The offence with which the applicant is charged carries a punishment of nine to fourteen years. Leniency on account of the lower end of the sentence falling within the non-prohibitory clause can also not be shown, as the Supreme Court in *The State vs Gul Nawab* (Criminal Petition No. 150-K/2024) held that, in bail applications in narcotic cases, the higher sentence is to be considered.

4. The learned counsel has been unable to argue any ground which would entitle the applicant to bail. The bail application is; therefore, dismissed.

JUDGE

JUDGE

Karar_Hussain/PS*