

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-210 of 2026

Applicant : Mst.Nafeesa Bibi w/o Ghulam Nabi
Through Mr.Ishrat Ali Lohar, Advocate

The State : Mr.Shahriyar Shar, Special Prosecutor for ANF

Dates of hearing : **11.08.2026**

Date of order : **11.08.2026**

ORDER

ABDUL MOBEEN LAKHO, J:- Through this criminal bail application, applicant/accused Mst.Nafeesa Bibi seeks post-arrest bail in Crime No.47 of 2025, registered by Police Station ANF Hyderabad for offences punishable under Sections 6 and 9(2)(c) of the Control of Narcotic Substances Act, 1997. Her post-arrest bail application was dismissed by the learned IV-Additional Sessions/Special Judge CNS, Hyderabad vide order dated 25.03.2026.

2. Brief facts of the prosecution case are that on 17.09.2025, ANF officials, acting upon spy information, allegedly reached opposite Isra University, Hala Naka, Hyderabad, where the applicant was identified by the informer and apprehended. A black shopper allegedly carried by her was searched and three packets containing Ice/Methamphetamine were recovered. Each packet allegedly weighed 500 grams, making total recovery of 1500 grams. Samples were drawn at the spot and the applicant was arrested, thereafter the present FIR was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated. He argued that despite prior information and availability of public persons, no private mashir was

associated in the proceedings. He further submitted that ANF failed to comply with the guidelines regarding preservation of footage and collection of corroborative evidence and that the applicant, being a woman, is entitled to the benefit of the proviso to Section 497, Cr.P.C. He lastly argued that the challan has already been submitted and the applicant is no longer required for investigation. In support of his contentions, he relied upon case law reported as **2026 SCMR 217, 2025 SCMR 721, 2025 SCMR 1657, 2024 SCMR 934, 2023 SCMR 887, PLD 2022 Supreme Court 764, unreported order dated 02.06.2026, passed in Crl. Petition No.663 of 2026, by Supreme Court of Pakistan and judgment dated 08.05.2026, passed in Crl. Petitions No.852, 855, 859 of 2026, by the Supreme Court of Pakistan.**

4. Learned Special Prosecutor for ANF opposed the application and submitted that 1500 grams of Ice/Methamphetamine were recovered from the possession of the applicant pursuant to spy information. He further argued that the Chemical Examiner's report is positive and sufficient material is available on record connecting the applicant with the commission of the alleged offence.

5. We have heard learned counsel for the parties and have perused the material available on record with their assistance as well case law relied upon by the learned counsel for the applicant.

6. Tentative assessment of the record reflects that the applicant was apprehended at the pointed place on the basis of prior spy information and recovery of 1500 grams of Ice/Methamphetamine from her conscious possession has specifically been attributed to her. The recovery memo, statements of witnesses recorded during investigation and challan papers consistently support the prosecution version. Further, the Chemical Examiner's report confirms that the samples forwarded by the prosecution tested positive for Methamphetamine/Ice.

7. The alleged recovery relates to a hard narcotic and falls within the category of commercial quantity. The offence under Sections 6 and 9(2)(c) of the Control of Narcotic Substances Act, 1997 carries severe punishment and falls within the prohibitory clause of Section 497 Cr.P.C. The positive chemical report provides *prima facie* support to the prosecution case and distinguishes the present matter from cases where the nature or identity of the recovered substance itself remained doubtful.

8. So far as the contention regarding non-association of private mashirs is concerned, the same by itself is not sufficient to extend concession of bail where otherwise sufficient incriminating material is available on record. Likewise, the plea regarding non-preservation of footage and other alleged procedural irregularities requires deeper appreciation of evidence which cannot be undertaken at the bail stage. Whether such objections affect the evidentiary value of the prosecution case is a matter to be determined by the learned trial Court after recording evidence.

9. The contention that the applicant is a woman and therefore entitled to bail as a matter of course is also not legally sustainable in the peculiar facts of the present case. The proviso to Section 497, Cr.P.C. does not create an absolute right of bail where reasonable grounds exist connecting the accused with commission of a serious narcotics offence. The allegation against the applicant is supported by a positive chemical report and substantial recovery of Methamphetamine. The Honourable Supreme Court of Pakistan in case of **Noor Khan v. The State (2021 SCMR 1212)** reiterated that where reasonable grounds exist connecting an accused with the commission of an offence, deeper appreciation of defence pleas is not permissible at the bail stage. Applying the said principle, we are of the tentative view that the material collected by the prosecution *prima facie* constitutes reasonable grounds for believing the involvement of the applicant in the alleged offence.

10. For the foregoing reasons, we are not persuaded to hold that the case of the applicant falls within the ambit of further inquiry contemplated under Section 497(2) Cr.P.C. Consequently, the instant bail application is **dismissed**.

11. The observations made hereinabove are tentative in nature and shall not prejudice either side during trial.

JUDGE

JUDGE

AHSAN K. ABRO