

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.D-168 of 2026

(Hakim Solangi v. The State)

Present:

**Justice Muhammad Faisal Kamal Alam
Justice Tasneem Sultana**

Applicant : Hakim Solangi through Syed Hajan Ali Shah, Advocate.

The State : Through Mr. Aftab Ahmed Shar, Additional Prosecutor General.

Date of Hearing : **06-08-2026**
Date of Order : **13-08-2026**

O R D E R

TASNEEM SULTANA, J.- Through this bail application, the applicant, Hakim son of Sultan Solangi, seeks post-arrest bail in Crime No.151 of 2026, registered at Police Station Moro under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024, after his post-arrest bail application was declined by the learned Sessions Judge/Special Judge CNS, Naushahro Feroze, vide order dated 17.04.2026.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced here.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated; that the alleged recovery has been foisted upon him; that the complainant, being an Assistant Sub-Inspector, was not competent to initiate proceedings under the Sindh Control of Narcotic Substances Act, 2024; that the mandatory requirement of video recording under Section 17(2) of the above Act has not been complied with; that the

applicant has been implicated at the instance of a local influential person owing to previous enmity; that all the prosecution witnesses are police officials and there is no likelihood of tampering with the prosecution evidence; and that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. In support of his contentions, learned counsel placed reliance upon **Zahid Sarfaraz Gill v. The State (2024 SCMR 934)**.

4. Learned Additional Prosecutor General opposed the bail application and contended that the applicant was apprehended during routine patrolling and 550 grams of Charas was recovered from his possession and the report of the Chemical Examiner confirms the sample to contain Charas; that no mala fide has been established against the complainant; therefore, the applicant is not entitled to the concession of post-arrest bail.

5. Heard. Record perused.

6. It appears from the record that the applicant was allegedly apprehended at the spot and 550 grams of Charas was recovered from his possession. The sample was subsequently forwarded to the Chemical Examiner, whose report confirms that it contained Charas. Thus, at this tentative stage, the prosecution material prima facie supports the allegation of recovery. The alleged offence falls under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024, which is punishable with imprisonment that may extend to nine years but shall not be less than five years. The offence, therefore, does not fall within the prohibitory clause of Section 497, Cr.P.C.

7. Learned counsel has principally questioned the recovery proceedings on the grounds that the requirement of video recording under Section 17(2)

of the Sindh Control of Narcotic Substances Act, 2024 was not complied with and that the complainant, being an Assistant Sub-Inspector, was not competent to initiate proceedings under the Act. The prosecution case is that the applicant was apprehended during routine patrolling from a public place. The applicability of Section 17(2) to such recovery, the competency of the complainant and the legal effect of the objections raised by the defence are arguable questions requiring proper examination during trial. Without expressing any conclusive opinion thereon, these aspects, in the peculiar facts and circumstances of the case, call for further inquiry within the meaning of Section 497(2), Cr.P.C.

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case for the grant of post-arrest bail. Consequently, this Bail Application is **allowed** and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. Needless to observe that the observations made herein are tentative in nature and shall not influence the learned trial Court, which shall decide the case independently based on the evidence adduced before it.

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