

Order Sheet

**HIGH COURT OF SINDH,**  
**CIRCUIT COURT, MIRPURKHAS**

CP No. D- 394 of 2025  
[ Noor Muhammad v. The State]

**Before :**  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Yousuf Ali Sayeed

Petitioner : Through Mr. Ayaz Ali Jokhio, Advocate

The State : Mr. Ayaz Ali Rajpar, Assistant A.G. Sindh &  
Mr. Ghulam Abbas Dalwani, D.P.G.

Date of Hearing  
& Decision : 02.07.2025

**ORDER**

**ADNAN-UL-KARIM MEMON, J.-** Petitioner Noor Muhammad has been implicated in Crime No. 12 of 2025, under Section 9(1)(3)(a) of the Sindh Control of Narcotic Substances Act, 2024, at Police Station Talhi, District Umerkot, based on the Statement of co-accused as the petitioner was not present at the scene of incident. This court's order dated April 22, 2025, in C.P. No. D-937 of 2025, states that the Sessions Courts lack jurisdiction for bail applications under Section 35 of the SCNS Act, 2024, the petitioner has no alternate remedy but to invoke extraordinary constitutional jurisdiction of this Court under Article 199 of the Constitution of Pakistan, 1973.

2. Learned counsel argued that the petitioner is innocent and has been falsely implicated with mala fide intentions on the basis of Statement of co-accused and the prosecution narrative, relying on a co-accused's statement, is highly improbable and concocted, raising serious doubts. The FIR itself confirms the absence of petitioner at the scene of incident, and the lack of a purchaser or private witness creates the case of petitioner as of further inquiry. The FIR was delayed by an hour without any plausible explanation, suggesting collaboration. The police is pursuing the petitioner's arrest to humiliate and disrespect him publicly, despite his respectable standing. The petitioner has deep roots in society, is an activist, and undertakes not to tamper with evidence or influence witnesses. The case warrants further inquiry under Section 497(2) Cr.P.C., as the

substance was allegedly foisted upon the petitioner with mala fide intention. The petitioner is entitled to the confirmation of bail on merits and in the interest of justice.

3. Learned D.P.G has not objected to the grant of bail to the Petitioner.

4. Heard learned counsel for the parties and perused the record with their assistance.

5. The core defence of the petitioner rests on several critical points including the Statement of co-accused as his name does transpire in the FIR, however, he was not arrested at the spot and later-on he came to know that his name was added in the FIR, this aspect of the case can be thrashed out by the trial court after recording the evidence as such at this stage mala fide of the police cannot be ruled out in terms of Section 498 Cr.P.C.; besides the improbable nature of the prosecution's story, the absence of petitioner from the scene of offence; the meager quantity of narcotics alleged against the principal accused, the punishment of the alleged recovery is less than five years, and the prosecution's failure to record video of the recovery from the principal accused as mandated by the 2024 Act, this Constitutional Petition for pre-arrest bail application has force, hence for these reasons we by our short order of even date, confirmed on the same terms and conditions, the interim pre-arrest bail already to the petitioner vide order dated 4.6.2025.

6. The observations made hereinabove are tentative and ought not to influence the case or the trial.

Disposed of.

JUDGE

JUDGE

karar\_hussain/PS\*