

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
**Cr. Bail Application No. 2397 of 2025**

DATE	ORDER WITH SIGNATURE OF JUDGES
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**Present:**

Mr. Justice Omar Sial

Mr. Justice Miran Muhammad Shah

For hearing of bail application

10.11.2025

Malik Khalid, advocate for applicant.

Mr. Muhammad Iqbal Awan, Additional Prosecutor General.

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**OMAR SIAL, J.** A police party led by S.I. Mumtaz Meerani was on patrol duty on 19.05.2025 when, acting on spy information, it stopped and searched Juma Khan and found in his possession 1.04 kilograms of opium, 80 grams of methamphetamine, and 30 grams of heroin. F.I.R. No. 381 of 2025 was registered under sections 9(1)6(A), 9(1)2(A), and 9(1)5(c) of the Sindh CNS Act 2024 at the Gadap police station.

2. The learned counsel has argued that there was a violation of section 103 Cr.P.C., that no video recording was made as required by section 17(2) of the Sindh CNS Act 2024, and that Juma Khan was arrested from his home rather than in the manner recorded by the police. Therefore, according to counsel, the narcotics recovered had been foisted upon him.

3. We have heard the applicant's learned counsel and the learned Additional Prosecutor General.

4. On the face of the record, the applicant was arrested red-handed with narcotics in his possession. At this preliminary stage, we are not convinced that the police acted with malafide. Upon a tentative assessment, the letter written by the applicant's family to the S.H.O. of the Garden police station is not convincing. It may have been written, if at all, after becoming aware of his arrest in this case. It is the trial court that will have to determine the facts after it has had an opportunity to review the evidence produced before it. We are also cognizant that the quantities of the various narcotics, possession of which exposes him to a sentence, are

such that the sentence may fall within the non-prohibitory clause of section 497 Cr.P.C. We have, however, considered the possession of heroin and opium as an exceptional circumstance to deny the applicant bail. It has not been argued before us that the applicant is a drug addict. These two narcotics have the potential to destroy not only the user but their entire household.

5. As regards the counsel's argument regarding the violation of section 103 Cr.P.C., needless to say, section 20 of the Sindh CNS Act excludes the applicability of section 103 Cr.P.C. A series of precedents exists for a similar provision in the Federal CNS Act, 1997. Section 17(2) of the Sindh Act 2024 does require the police to make video recordings of searches, seizures, and arrests. Whether this provision is mandatory or directory, and whether section 17(2) is to be read as a stand-alone provision or a corollary of section 17(1), are issues that cannot be decided in a bail application. We do not doubt that the learned trial court will give its findings on this issue after it has had the opportunity to examine the evidence. Upon a tentative assessment, the applicant was caught in possession of narcotics, and there are witnesses, albeit from the police force, who have supported the prosecution's case.

6. Given the above, bail is dismissed; however, in view of the quantities involved, the learned trial court is requested to do its best to conclude the trial within four months of this order.

*JUDGE*

*JUDGE*