

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. D – 27 of 2026

(*Danish Malak versus The State*)

Before:

Mr. Mahmood A. Khan, J.

Mr. Khalid Hussain Shahani, J.

Date of hearing : **25.02.2026**

Date of decision : **25.02.2026**

Mr. Abdul Salam Abbasi and Ms. Fahmida Mirani, Advocates for applicant.

Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – Present applicant seeks bail in Crime No.219 of 2025, registered at Police Station Mehrabpur, District Naushahro Feroze, under Section 9(1) Sr. No.3(b) of the Sindh Control of Narcotic Substances Act, 2024, wherein it is alleged that 590 grams of charas have been recovered from the applicant.

2. Learned Counsel, filing a statement along with certified copies of the documents, contends that no CRO of the present applicant is available and that the applicant having been arrested in the narcotics case no availability of tempering of the evidence can be made against the present applicant. It is also contended that compliance of Section 17(1) and Section 17(2) of the Sindh Control of Narcotic Substances Act, 2024, is not available and that the present applicant has wrongly been involved in this matter, wherein the maximum punishment being nine (09) years and minimum being five (05) years, at the bail stage the minimum punishment is liable to be considered. He relies upon the following authorities in support of his request of bail:

- **Zahid Sarfaraz Gill v. The State (2024 SCMR 934)**
- **Muhammad Abid Hussain v. The State and another (2025 SCMR 721)**
- **Ndukwe Udoka Peter v. The State and another (2025 SCMR 1657)**

3. Learned DPG, however, contended that the present applicant has a colourful history of cases; however, he concedes that no narcotics case is available in his criminal record. He further contends that the requirement of Section 17(1) and Section 17(2) in the present case is not available as the first is an irregularity and the second on account of nature of the offence alleged in the matter.

4. Having heard the learned Counsels and gone through the record, the minimum punishment requirement along with the no narcotics' CRO being available against the present applicant, whereas he has already been arrested and the tempering of the evidence not open to the present applicant, the applicant is found to have made sufficient grounds for entitlement of post-arrest bail.

5. Accordingly, bail application stands **allowed**, and the applicant is admitted to post-arrest bail against the surety of Rs.1,00,000/- (*Rupees one lac*) and the P.R. bond in the like amount to the satisfaction of the learned trial Court.

The bail application stands **disposed of** in the above terms.

J U D G E

J U D G E

Abdul Basit