

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Cr. Bail Appln. No. D-109 of 2026

Date	Order with signature of Judge
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- 1. For order on office objection.
- 2. For hearing of bail application.

22-09-2026

Mr. Muhammad Aslam Jatoi, advocate for the applicant
Mr. Nazeer Ahmed Bhangwar, D.P.G for the State

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At the very outset, learned counsel for the applicant seeks directions to the learned trial Court i.e. the Court of the District & Sessions Judge, Shikarpur, to conclude the trial within a period of three months under intimation to this Court and does not press the same which is accordingly dismissed as not pressed.

In view of the express definition of “**competent court**” contained in **Section 2(qq) of the Sindh Control of Narcotic Substances Act, 2024**, read with the detailed judgment passed by this Court in **C.P. No.D-625 of 2025 (Hafeezullah Lashari v. Province of Sindh and others)**, reported as 2026 P.Cr.L.J. 1068, the learned District & Sessions Judge, Shikarpur, is hereby strictly directed to forthwith withdraw the instant case from the file of the learned 1st Additional Sessions Judge, Shikarpur, transfer the same to his own Court, and proceed with the matter strictly in accordance with law. The trial shall be concluded expeditiously, preferably within a period of three months, and compliance thereof shall be intimated to this Court through the Additional Registrar of this Court.

It is pertinent to observe that the judgment in Hafeezullah Lashari (supra) was rendered by this Court in exercise of its constitutional jurisdiction under Article 199 of the Constitution and, while interpreting the relevant provisions of the Sindh Control of Narcotic Substances Act, 2024, enunciated a principle of law regarding the “**competent Court**” having jurisdiction to deal with cases under the said Act. The judgment was accordingly circulated amongst the subordinate Courts for its due observance

and compliance. In terms of **Article 201 of the Constitution**, a decision of the High Court, to the extent that it decides a question of law or is based upon or enunciates a principle of law, is binding upon all Courts subordinate to it.

Despite the above clear constitutional and legal position, the explanations furnished by the learned District & Sessions Judge, Shikarpur, and the learned 1st Additional Sessions Judge, Shikarpur, are found to be unsatisfactory. Rather than demonstrating compliance with the law laid down by this Court, their explanations disclose a failure to give effect to a binding judicial precedent. Such disregard of a judgment of this Court, particularly one which had already been **circulated amongst the subordinate judiciary** for compliance, cannot be countenanced, as it runs contrary to the mandate of **Article 201 of the Constitution**.

Both the learned Judicial Officers are, therefore, cautioned to remain mindful of the constitutional obligation to follow the law declared by this Court and to ensure strict compliance with binding precedents in future. The learned District & Sessions Judge, Shikarpur, shall ensure immediate compliance with the directions contained herein.

Judge

Judge

Abdul Salam/P.A