

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Justice Omar Siyal

Justice Muhammad Humayon Khan

Crl. Bail Application No. D-238 of 2026

[Soomar Khan v. The State]

Mr. Ishfaque Ahmed Almani, Advocate for the applicant

Mr. Shahriyar Shar, Special Prosecutor for ANF

Dates of hearing : **15.10.2026**

Date of order : **15.10.2026**

ORDER

Omar Sial , J. – Soomar Khan was arrested on 09.02.2026 by an ANF party led by SI Sher Muhammad of ANF Police Station, Hyderabad. On being stopped and searched, two kilograms of charas were recovered from his possession. FIR No.08/2026 was registered against him at ANF Police Station, Hyderabad under sections 6 and 9(1)(3)(c) of the Control of Narcotic Substances Act, 1997.

2. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the case on account of a dispute with some of his relatives over a freewill marriage. He has further submitted that the applicant is aged about 55/60 years and has been in jail for the last eight months.

3. We have heard the learned counsel for the applicant and the learned Special Prosecutor, ANF. The grounds urged by the learned counsel do not suffice for the grant of bail. No malice on the part of the ANF has been alleged, either in the memo of the bail application or in the arguments of the learned counsel, nor has any nexus between the applicant's relatives and the ANF been shown. The offence with which the applicant is charged is non-bailable and carries a sentence ranging from nine to fourteen years.

Learned counsel has argued that since the minimum sentence of nine years falls within the non-prohibitory clause of section 497 Cr.P.C., the applicant should be admitted to bail on that score. With respect, the Honourable Supreme Court has held that in narcotics cases it is the maximum, and not the minimum, sentence prescribed for the offence which is to be considered at the bail stage. On a tentative assessment, the applicant was prima facie found in possession of two kilograms of a substance which the chemical examiner later confirmed to be charas, a substance prohibited under the Act.

4. For the above reasons, the bail application is **dismissed**.

JUDGE

JUDGE

AHSAN K. ABRO