

# THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Justice Omar Siyal

Justice Muhammad Humayon Khan

**Crl. Bail Application No. D-310 of 2026**

[Mst.Nadia Bibi v. The State]

Mr.Sadadam Hussain Khoso, 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.** – Mst. Nadia Bibi seeks post-arrest bail in Crime No.19 of 2026, registered at ANF Police Station, Hyderabad under sections 6 and 9(1)(3)(e) of the Control of Narcotic Substances Act, 1997.

2. SI Muhammad Siddique of ANF Police Station, Hyderabad received spy information that a woman named Nadia Bibi was carrying narcotics and would arrive at a place close to the Jamshoro Toll Plaza. An ANF party was constituted and reached the place identified by the informer. The applicant was found there carrying a minor girl and a travelling bag. She was apprehended and her luggage searched and twelve kilograms of charas were recovered from the bag she was carrying. She was arrested and the FIR registered.

3. Learned counsel has argued that although the ANF acted on prior spy information, section 103 Cr.P.C. was not complied with. He has next argued that the challan has already been filed and that the applicant has a four year old child.

4. We have heard the learned counsel for the applicant and the learned Special Prosecutor, ANF. Section 25 of the Control of Narcotic Substances Act, 1997 expressly excludes the application of section 103 Cr.P.C. to cases

under the Act and the Supreme Court has reaffirmed this time and again. The first ground, therefore, does not advance the applicant's case. Whether or not the challan has been filed is inconsequential; the challan itself charges Mst.Nadia Bibi with possession of twelve kilograms of charas, a quantity which, on a tentative assessment, attracts a sentence falling within the prohibitory clause of Section 497 Cr.P.C. As regards the four year old child, we have looked at this aspect closely. Drug traffickers, having exploited the vulnerability of women, have now moved on to using children in their nefarious design as well. A four year old child is not a suckling infant and the argument on that ground is also misconceived.

5. Given the above, the bail application is **dismissed**. However, keeping in view that a four year old child is incarcerated with the applicant, we consider it appropriate to request the learned trial court to make every effort to conclude the trial within four months of the receipt of this order.

The bail application stands disposed of in the above terms.

**JUDGE**

**JUDGE**

AHSAN K. ABRO