

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.D-192 of 2026

Present:

Justice Muhammad Faisal Kamal Alam
Justice Tasneem Sultana

Applicant : Mazhar Ali, through Mr. Dilshad Ali Channa, Advocate.

The State : Through Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

Date of Hearing : 25-08-2026
Date of Order : 10-09-2026

ORDER

TASNEEM SULTANA, J.- Through this criminal bail application, the applicant, Mazhar Ali S/o Jurial Shah, seeks post-arrest bail in Crime No.18 of 2026, registered under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024 (SCNSA) at Police Station, Mithiani, District Naushahro Feroze, after his post-arrest bail application was declined by the Sessions Judge (Competent Court), Naushahro Feroze, vide order dated 20.05.2026.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced here.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated; that the alleged recovery has been foisted upon him; that the complainant, being an Assistant Sub-Inspector, was not competent to initiate proceedings under the Sindh Control of Narcotic Substances Act, 2024; that the mandatory requirement of video recording under Section 17(2) of the above Act has not been complied with; that all the prosecution witnesses are police officials and there is no likelihood of tampering with the prosecution evidence; and that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. In support of his

contentions, learned counsel placed reliance upon **Zahid Sarfaraz Gill v. The State (2024 SCMR 934)**.

4. Learned Additional Prosecutor General opposes the bail application and submits that the applicant was apprehended during routine patrolling and 600 grams of Charas was recovered from his possession and the report of the Chemical Examiner confirms the sample to contain Charas; that no mala fide has been established against the complainant; therefore, the applicant is not entitled to the concession of post-arrest bail.

5. Heard. Record perused.

6. It appears from the record that the applicant was apprehended at the spot and 600 grams of Charas was allegedly recovered from his possession. The sample was subsequently forwarded to the Chemical Examiner, whose report confirms that it contained Charas. Thus, at this tentative stage, the prosecution material prima facie supports the allegation of recovery. The alleged offence falls under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024, which is punishable with imprisonment that may extend to nine years but shall not be less than five years. The offence, therefore, does not fall within the prohibitory clause of Section 497, Cr.P.C.

7. Learned counsel has principally questioned the recovery proceedings on the grounds that the requirement of video recording under Section 17(2) of the Sindh Control of Narcotic Substances Act, 2024 was not complied with and that the complainant, being an Assistant Sub-Inspector, was not competent to initiate proceedings under the Act. The prosecution case is that the applicant was apprehended during routine patrolling from a public place. The applicability of Section 17(2) to such recovery, the competency of the complainant and the legal effect of the objections raised by the

defence are arguable questions requiring proper examination during trial. Without expressing any conclusive opinion thereon, these aspects, in the peculiar facts and circumstances of the case, call for further inquiry within the meaning of Section 497(2), Cr.P.C.

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case for the grant of post-arrest bail. Consequently, this Bail Application is **allowed** and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is made clear that, in the event the concession of bail is misused for any reason, the trial Court shall be at liberty to pass appropriate orders in accordance with law.

9. Needless to observe that the observations made herein are tentative in nature and shall not influence the learned trial Court, which shall decide the case independently based on the evidence adduced before it.

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