IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. D-283 of 2026

Present:
Justice Tasneem Sultana
Justice Suresh Kumar

Applicant	**:**	Shah Nawaz alias Shahoo, through Muhammad Hassan Pathan, Advocate
Respondent	**:**	The State, through Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.
Date of Hearing	**:**	05.11.2026
Date of Order	**:**	05.11.2026

O R D E R

TASNEEM SULTANA, J.— Through this Criminal Bail Application, applicant Shah Nawaz alias Shahoo seeks post-arrest bail in Crime No.386 of 2026, registered at Police Station Naushahro Feroze, District Naushahro Feroze, for an offence under Section 9(1)(3)(b) of the Sindh Control of Narcotic Substances Act, 2024. His earlier application for the same relief was dismissed by the learned Sessions Judge (Competent Court), Naushahro Feroze, vide order dated 06.10.2026.

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

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 Act has not been complied with; and that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Lastly, he prays for grant of bail to the applicant.

4. Learned Additional Prosecutor General opposes the bail application and submits that the applicant was apprehended during routine patrolling and 610 grams of Charas was recovered from his possession; 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 610 grams of Charas was allegedly recovered from his possession. Thus, 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. It further appears that the complainant, an Assistant Sub-Inspector of Police, seized the alleged contraband from the possession of the applicant. Learned counsel has questioned his competence to conduct the recovery proceedings under the Sindh Control of Narcotic Substances Act, 2024, besides pointing out non-compliance with the requirement of video recording under Section 17(2) of the Act. Although the prosecution maintains that the applicant was apprehended during routine patrolling at a public place, Section 18 of the Act authorizes seizure and arrest in a public place by an officer authorized under Section 17. The latter provision, as amended in 2025, requires a police officer exercising such powers to be not below the rank of Sub-Inspector and duly authorized by the competent authority. The complainant, admittedly being an Assistant Sub-Inspector, was below the prescribed rank. The objection regarding his competence, coupled with the alleged non-compliance with the requirement of video recording, raises material questions concerning the legality and manner of the recovery proceedings. These aspects cannot be resolved conclusively at this stage and require examination during trial. In the circumstances, the applicant's case calls for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances Act, 2024, read with 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 Criminal 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 on the basis of evidence adduced before it.

JUDGE

JUDGE

ARBROHI/PS