

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Bail Application No.D-23 of 2025

Present:

Mr. Justice Shamsuddin Abbasi,
Mr. Justice Muhammad Hasan (Akber).

Applicant: Waheed Ali S/o Zakir,
Through Mr. Francis Locas Khokhar, Advocate.

Respondent: The State.
Through Mr. Dhani Bakhsh Mari, Assistant P.G.

Date of hearing: 10.11.2025

Date of Order: 10.11.2025

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ORDER

SHAMSUDDIN ABBASI, J.:- Through this Bail Application, the applicant/accused seeks post-arrest bail in FIR No.07/2025 registered under Section 9(i), 3-C (SCNS Act, 2024) of PS Excise and Narcotics Circle, Digri, after dismissal of his bail plea by the learned Additional Sessions Judge-I/Special Judge, SCNS, Mirpurkhas vide order dated 26.09.2025.

2. The brief facts of the prosecution case are that the complainant AETO of Excise Police arrested the accused, while the accused along with co-accused were riding on a motorcycle. The police recovered 3370 grams of Charas under memo of arrest and recovery in presence of official mashirs by sealing the property at the spot. Thereafter, the accused along with the recovered property was brought to the police station where the FIR was lodged.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated by the police by foisting the narcotics. He further stated that police failed to secure any private mashir nor prepared any photographs or video of arrest and recovery. He further

submits that the accused is innocent and has no previous criminal record. He lastly prayed for grant of bail.

4. Learned A.P.G opposed the grant of bail on the ground that the accused is involved in serious narcotics offence carrying punishment may extend to 14 years' imprisonment. He further submits that 3370 grams of charas were recovered from the possession of the applicant, which constitutes a large and socially harmful quantity. Lastly, he prayed for dismissal of the bail application.

5. Heard learned counsel for the applicant, learned Assistant P.G and perused the material available on the record.

6. From tentative assessment of the material available on record, it appears that the applicant was apprehended along with 3370 grams of charas, recovered in presence of mashirs and the Chemical Examiner's report is positive. The recovered quantity falls within the ambit of large quantity as defined under the Sindh Control of Narcotic Substances Act, 2024 and provided imprisonment which may extended to 14 years.

7. Sufficient material is available on record to connect the applicant/accused with the commission of offence which comes within the ambit of prohibitory clause of section 497 Cr.P.C. In this context, reliance is placed on the case law reported as **2017 YLRN 165 (SHAHZAD v. State)**, wherein it has been held that bail in narcotics cases involving recovery of large quantities of charas is to be refused where there is no delay or discrepancy in recovery or chemical analysis, the accused is found in possession of a large quantity, and there is no allegation of enmity with the officials. During recovery proceedings, photographs were taken by the excise police which are available on the record. The grounds agitated by the counsel for the applicant relates to

deeper appreciation of evidence, which is not permissible at the bail stage.

8. In view of the foregoing, learned counsel for the applicant/accused has failed to make out a case warranting the grant of bail. Accordingly, the instant bail application filed on behalf of the applicant/accused is **dismissed**. However, learned trial court is directed to conclude the trial preferably within 03 months.

9. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

JUDGE

JUDGE

Faisal