

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Bail Application No. D-135 of 2025

**Before:**

*Mr. Justice Adnan Iqbal Chaudhry;  
Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Arif son of Dhani Bux Odhano,  
through Mr. Asadullah Arbani, Advocate.

The State : Through Mr. Nazir Ahmed Bhangwar,  
D.P.G for State.

Date of Hearing : 11.02.2026  
Date of Order : 11.02.2026.  
Date of Reasons : 12.02.2026.

**O R D E R**

**Abdul Hamid Bhurgri J.**.- Applicant Arif seeks post-arrest bail in Crime No.159/2025 registered at Police Station New Foujdari, Shikarpur for an offence punishable under Section 9(i),3(c) of the Sindh Control of Narcotic Substances Act, 2024, after dismissal of his post-arrest bail by the learned I-Additional Sessions Judge (MCTC)/Special Judge CNS, Shikarpur vide order dated 24.11.2025.

2. The FIR discloses that on 07.08.2025 at 1310 hours, vide roznamcha entry No.13, complainant ASI Abdul Majeed along with subordinate staff left the Police Station for patrolling. At about 1330 hours, near Gawaz Wah on the main bypass road leading towards Garhi Yasin from Shikarpur, they allegedly noticed a person carrying a black shopper. Upon seeing the police party, he attempted to evade but was apprehended and disclosed his name as Arif by caste Odhano. The black shopper allegedly contained one slab and two pieces of charas weighing 1150 grams. The recovered contraband was sealed at the spot under mashirnama in presence of HC Meer Muhammad and PC Muhammad Bakhsh.

3. Learned counsel for the applicant submitted that the applicant is innocent and that the alleged contraband has been foisted upon him. He contended that no independent private mashir was associated despite availability, and all mashirs are police officials. It was further submitted that the applicant was taken away by police officials of P.S. Garhi Yasin on 05.08.2025, two days prior to the alleged recovery, and his brother moved an application under Section 491 Cr.P.C. before the competent Court for his recovery, copy whereof has been placed on record. According to learned counsel, the raid pursuant to such application remained unsuccessful and subsequently the present FIR was falsely lodged against the applicant. It was also contended that no video of the alleged recovery was recorded. Learned counsel further submitted that the applicant has no previous criminal record and is not a habitual offender. He prayed that these circumstances make out a case of further inquiry.

4. Conversely, learned Deputy Prosecutor General opposed the bail application on the ground that the applicant is specifically nominated in the FIR; that 1150 grams of charas was recovered from his exclusive possession; that the recovered contraband was sealed at the spot; and that the offence falls within the prohibitory clause of Section 35 of the Act, thus disentitling the applicant to bail.

5. We have heard learned counsel for the parties and perused the material available on record. Prima facie, it appears that the provisions of Section 17(1) of the Act may not have been strictly complied with, inasmuch as the complainant is an Assistant Sub-Inspector and not a Sub-Inspector as contemplated under the statute.

The legal effect of such non-compliance is a matter to be determined at trial. Furthermore, the allegation that the applicant had been taken into custody two days prior to the alleged recovery and that an application under Section 491 Cr.P.C. had been filed by his brother before registration of the FIR introduces a circumstance which cannot be lightly brushed aside at the bail stage. This aspect, coupled with the absence of any previous criminal record, creates doubt requiring further probe.

6. Although the alleged quantity falls within the prohibitory clause, the recovery is yet to be established through legally admissible evidence. The mashirs are police officials and no independent witness has been associated. The applicant is in judicial custody and is no longer required for investigation. At this tentative stage, without touching the merits of the case, the matter calls for further inquiry within the meaning of Section 35(2) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025.

7. In the circumstances, the bail application was allowed vide our short order dated 11.02.2026 and the applicant was ordered to be released on bail subject to his furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety in the like amount to the satisfaction of the learned trial Court.

8. These are the reasons for our short order dated 11.02.2026.

*JUDG E*

*JUDG E*

Irshad Ali M/Steno