

IN THE HIGH COURT OF SINDH CIRCUIT COURT
MIRPURKHAS

Crl. Bail Application No.D-10 of 2026

Present:

Mr. Justice Miran Muhammad Shah,
Mr. Justice Muhammad Hasan (Akber).

Applicant/ accused: Muhammad Usman s/o Muhammad Rafique,
Through Mr. Afzal Kareem Virk, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, D.P.G.

Date of hearing: 17.03.2026

Date of Order: 17.03.2026

ORDER

Miran Muhammad Shah, J.:- Through this Criminal Bail Application, the applicant/accused seeks post-arrest bail in F.I.R No.05/2026 registered under Section 9(i) Sr.No.3(C) (SCNS Act, 2024) of PS Mirwah Gorchani, after dismissal of his bail plea by the learned Additional Sessions Judge-I/Special Judge SCNS, Mirpurkhas vide Order dated 13.02.2026.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Learned counsel for the applicant has contended that the applicant has been falsely implicated in this case by the police by foisting charas upon him due to harsh words exchanged between the applicant and police when he came to Mirpurkhas side from Hyderabad in his Car; that the case of the applicant is of border line; that alleged incident took place during broad day time i.e. 2:00 p.m but police has failed to associate any private person as mashir. He finally prayed for grant of bail.

4. Learned D.P.G opposed for the grant of bail to the applicant/accused by arguing that applicant is a habitual offender; that the report of the chemical analyzer is in positive; that the alleged offence falls under the prohibitory clause of section 497(1) Cr.P.C.

5. We have heard learned counsel for the applicant, learned D.P.G and perused the material available on the record.

6. The alleged recovery is 1130 grams of chars which is border line case. It is the practice of police that in order to implicate the people falsely always shown the quantity of narcotics more than 01 K.G to bring the case within the ambit of prohibitory clause of section 497(1) Cr.P.C. Such practice of the police cannot be allowed. The case is challaned and the prosecution has to prove its case against the applicant during trial and in such circumstances, the applicant cannot be kept behind the bars for indefinite period without any plausible reason.

7. In view of above circumstances, we are of the opinion that the alleged recovery appears to have been foisted upon the present applicant/accused and that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Therefore, the applicant is admitted on post arrest bail subject to furnishing a solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousands only) and P.R. Bond in the like amount to the satisfaction of the learned trial Court.

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

The instant bail application is disposed of accordingly.

JUDGE

JUDGE

*Saleem *