

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**Cr. Bail Application No.S-445 of 2026.***[Muhammad Zubair Vs. The State]*

Applicant : Muhammad Zubair **through** Mr. Wajid Ali Unar, Advocate.

Respondent : The State **through** Mr. Altaf Hussain Khokhar, Deputy Prosecutor General, Sindh.

Date of Hearing : 18.05.2026.

Date of Decision : 18.05.2026.

ORDER

Syed Fiaz ul Hassan Shah, J :- The Applicant above-named seeks post-arrest Bail in F.I.R No.27/2026, registered at Police Station Fort, District Hyderabad for offence punishable under Section 23-A Sindh Arms Act, 2013. Previously, he applied for the same relief before learned 1st Additional Sessions Judge, Hyderabad but the request was declined vide order dated 27.03.2026.

2. The Applicant is booked in crime No.27 of 2026 for the recovery of alleged pistol from his possession on 20.02.2026 at Rikshaw Market in front of Bismillah Autos, while from the possession of co-accused Uzair alias Muhammad Aziz 1072 grams chars was recovered.

3. Learned counsel for the applicant / accused states that the applicant/accused is innocent and has falsely been implicated in this case; that the alleged recovery of pistol has been foisted upon the applicant/accused, which can only be determined after conclusion of evidence; that there is no independent witness despite the crime scene where the alleged recovery was made is the commercial area.

4. On the other hand, learned Deputy Prosecutor General opposed the Bail Application and stated that the applicant/accused was arrested spontaneously and recovered unlicensed pistol from his possession and his accomplices / co-accused Uzair alias Muhammad Aziz from whose

possession contraband charas was recovered, therefore, the applicant/accused is not entitled for the concession of bail.

5. Heard learned counsel for parties and perused the record with their assistance.

6. It appears that the applicant/accused was arrested from thickly populated area i.e. Rikshaw Market in front of Bismillah Autos and there is no reference with regard to any reference that police party requested any private or independent witness as mashir of the recovery proceedings, therefore, provision of Section 103 Cr.P.C. apparently violated. The said recovery is yet to be proved after evidence of the prosecution side and conclusion of the Trial. The offence falls outside the prohibitory clause of Section 497(1), Cr.P.C. It is settled principle that in non-prohibitory offences, grant of bail is a right while refusal is an exception. Even otherwise the bail cannot withhold as a punishment. All the prosecution witnesses are police officials, therefore, in such circumstances the possibility of the applicant tampering with the prosecution evidence appears to be remoted nor the prosecution has shown any apprehension for it. The applicant is no more required for investigation and no fruitful would be achieved by keeping incarceration the Applicant for indefinite period.

7. In view of above, the present applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousand only) and P.R Bond in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Ali.