

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam
Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1740 of 2026

Applicant : Riaz alias Yamoo son of Sawab
through Mr. Abdul Jalil Khan,
Advocate

Respondent : The State
through Ms. Najma Latif, A.P.G. Sindh

Date of hearing : 02.07.2026

Date of order : 02.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.133 of 2026 registered under Sections 9(I)3(b) of the Sindh Control of Narcotics Substances Act, 2024 of P.S Docks, Karachi., after his bail plea has been declined by the learned Additional District and Sessions Judge-II, Karachi-West vide order dated 20.05.2026.

2. The detailed facts of the case are already available in the bail application as well as FIR, therefore, the same need not to be reproduced hereunder.

3. Learned counsel for the Applicant/Accused primarily contended that on the intervening night of 12/13.04.2026, SIP Sher Bahadur, while on patrol duty along with his subordinate staff, apprehended two accused persons, namely, Shafique alias Raja and Riaz alias Yamoo. It was alleged that 1,150 grams of charas was recovered from the possession of accused Shafique alias Raja, whereas 550 grams of charas was recovered from the possession of the present Applicant/Accused. Such memo of arrest and recovery was prepared on the spot. Subsequently, SIP Sher

Bahadur registered two separate FIRs, namely, Crime No.132 of 2026 against accused Shafique alias Raja for an offence punishable under Section 9(I)-3(c) of the Sindh Control of Narcotic Substances Act, 2024, at Police Station Docks, Karachi, and Crime No.133 of 2026 against the present Applicant/Accused for an offence punishable under Section 9(I)-3(b) of the Sindh Control of Narcotic Substances Act, 2024, at the same police station.

4. After registration of the FIRs, police reports under Section 173 Cr.P.C. (challans) were submitted before the Court of the District & Sessions Judge, Karachi-West. Accused Shafique alias Raja filed a bail application, which was transferred to the Court of the learned VIth Additional District & Sessions Judge, Karachi-West and was registered as Criminal Bail Application No.2205 of 2026. After hearing the parties, the learned VIth Additional District & Sessions Judge, Karachi-West, vide order dated 14.05.2026, granted bail to the said accused. Conversely, the present Applicant/Accused filed a bail application before the Court of the Sessions Judge, Karachi-West, which was transferred to the Court of the learned Additional District & Sessions Judge-II, Karachi-West. After hearing the parties, the learned Additional District & Sessions Judge-II, Karachi-West, vide order dated 20.05.2026, declined the concession of bail to the present Applicant/Accused.

5. In support of the instant application, learned counsel for the Applicant extensively relied upon the order dated 14.05.2026 whereby the concession of bail had been extended to co-accused Shafique alias Raja, son of Javaid, in FIR No.132 of 2026. He further submitted that although two separate FIRs had been lodged by the complainant and two separate challans had been submitted by the Investigating Officer before the learned trial Court, one of the accused had been granted bail by the learned trial Court, whereas the bail application of the present Applicant/Accused had been dismissed.

6. Conversely, the learned Deputy Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the Applicant/Accused was apprehended at the spot and that charas was recovered from his possession; therefore, he does not deserve the concession of bail.

7. We have heard the learned counsel for the parties at considerable length and have carefully examined the material available on the record.

8. A perusal of the record reveals that the applicant was already involved in Crime No.132/2026 when he was subsequently implicated in the present case, i.e., Crime No.133/2026, wherein he was arrested on the allegation of recovery of 550 grams of charas. Learned counsel for the applicant has contended that a co-accused in Crime No.132/2026 has already been admitted to bail by the learned trial Court and, therefore, on the principle of consistency, the applicant is also entitled to the same relief. Further, the applicant has remained in judicial custody for the last two months; however, no meaningful progress has been made in the trial proceedings. The question regarding the quantum of sentence, if any, shall be determined at the conclusion of the trial, subject to the prosecution successfully establishing its case against the applicant/accused. The challan has also been submitted before the concerned Court and the applicant is no more required for further investigation.

9. Furthermore, all the prosecution witnesses are police officials and, therefore, there appears to be no likelihood of the applicant tampering with the prosecution evidence. The prosecution has also failed to place on record any material to indicate that the applicant/accused is a previous convict or is involved in any other case of a similar nature. At the bail stage, the Court is required to make only a tentative assessment of the material available on record, and a deeper appreciation of the evidence is not permissible.

10. In the aforesaid circumstances, the case of the applicant/accused falls within the ambit of further inquiry as contemplated under subsection (2) of Section 497, Cr.P.C. Consequently, the learned counsel for the applicant has succeeded in making out a case for the grant of post-arrest bail. Resultantly, the instant bail application is allowed, and the applicant/accused is admitted to bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

JUDGE

Hyder/PS