

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

Criminal Bail Application No.1712 of 2026

Applicant : Muhammad Abbas S/o Muhammad
Bux through Mr. Khalid Mehmood,
Advocate

Respondent : The State
through Mr. Abrar Ali, Addl. P.G.
Sindh a/w SIP Muhammad Ali PS
SIU/CIA Karachi

Date of hearing : 09.07.2026

Date of short order : 09.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.111/2025 registered under Sections 9(i)3-C, Sindh Control of Narcotics Substance Act, 2024 of PS SIU, after his bail plea has been declined by the learned V-Additional Sessions Judge /MCTC, Karachi East vide order dated 05.05.2026.

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 primarily contended that the applicant is innocent and has been falsely implicated in the present case. It was argued that the alleged recovery of charas has been foisted upon the applicant, otherwise he has no concern with the commission of offence. He further contended that the prosecution neither associated any private person as a mashir nor produced any video recording of the alleged recovery, which, according to him, constitutes a clear violation of Section 103, Cr.P.C., as well as Section 17(2) of

the Sindh Control of Narcotic Substances Act, 2024. He further contended that the applicant has remained behind bars for more than one year and is no longer required for any further investigation. On these premises, he prayed for the grant of post-arrest bail to the applicant.

4. Conversely, the learned Additional Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that huge quantity of charas was recovered from the possession of the applicant and the offence in which he has been booked does not fall within the prohibitory clause of Section 497 Cr.P.C.; as such, he is not entitled to the concession of bail.

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

6. A perusal of the record reveals that on the day of the alleged incident, the complainant, SIP Nadeem Akhtar, along with other police officials, was on routine patrol in Police Mobile No. SPC-715 within the territorial jurisdiction of Police Station Gulistan-e-Johar when they allegedly received spy information that two persons, stated to be engaged in the illicit sale of narcotic substances, were present near Eidgah Ground, Hussain Hazara Goth, for the purpose of delivering charas. Acting upon the said information, the police party immediately proceeded to the pointed place and attempted to apprehend the suspects. During the raid, however, one of the alleged culprits, namely the present applicant, allegedly succeeded in escaping from the scene, whereas the other suspect was apprehended on the spot and disclosed his identity as Muhammad Abbas son of Muhammad Bux. Thereafter, a personal search of the arrested accused was conducted, resulting in the alleged recovery of 1,095 grams of charas from the pocket of his shalwar, which, upon weighing through a digital scale, was found to be 1,095 grams. It was further alleged that a shopper lying at the spot was also

checked, from which an additional 1,080 grams of charas was recovered.

7. Admittedly, the present applicant/accused was not apprehended at the place of occurrence and was subsequently implicated in the instant case solely on the basis of the disclosure made by the co-accused before the police. It is a well-settled proposition of law that a statement made by a co-accused before the police is inadmissible in evidence and carries no evidentiary value in view of Article 38 of the Qanun-e-Shahadat Order, 1984.

8. A further examination of the record reflects that the alleged recovery of 1,095 grams of charas was effected from the possession of the arrested co-accused and not from the present applicant, who has remained in judicial custody for more than one year. Despite the lapse of such a considerable period, no meaningful progress has been made in the trial proceedings. The question as to the quantum of sentence, if any, can only be determined upon the conclusion of the trial, subject to the prosecution proving its case against the applicant beyond reasonable doubt. It is by now a settled principle of criminal jurisprudence that the grant of bail is the rule, whereas its refusal is an exception. The learned Additional Prosecutor General has failed to point out any exceptional circumstance or disqualifying factor warranting the continued incarceration of the applicant.

9. Furthermore, all the prosecution witnesses are police officials; therefore, there appears to be no reasonable likelihood of the applicant tampering with the prosecution evidence or influencing the witnesses. The prosecution has also failed to place on record any material indicating that the applicant is a previous convict or is involved in any other case of a similar nature. At the bail stage, the Court is required to undertake only a tentative assessment of the material available on record, and any deeper appreciation or exhaustive evaluation of the evidence is legally impermissible.

10. In view of the foregoing circumstances, this Court is of the tentative opinion that the case of the applicant falls within the ambit of further inquiry as envisaged under subsection (2) of Section 497, Cr.P.C. Consequently, the learned counsel for the applicant has successfully made out a case for the grant of post-arrest bail. Accordingly, the instant bail application is allowed, and the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

11. 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.

12. These are the reasons of our short Order dated 09.07.2026.

JUDGE

JUDGE

Kamran/PS