

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

Criminal Bail Application No.1720 of 2026
Criminal Bail Application No.1951 of 2026
Criminal Bail Application No.1954 of 2026

Applicant : Farman S/o Muhammad Ali
[in CrI. B.A. No.1720/2026] None present.

Applicant : Sanaullah S/o Naimatullah
[in CrI. B.A. No.1951/2026] through Mr. Fayaz Hussain Kanasiro,
Advocate

Applicant : Zaheer S/o Soobal
[in CrI. B.A. No.1954/2026] through Mr. Muhammad Sharif Dars,
Advocate

Respondent : The State
through Mr. Abrar Ali, Addl. P.G.
Sindh a/w SIP/I.O. Muhammad
Yaseen Bhutto, PS Shah Latif Town,
Malir, Karachi.

Date of hearing : 09.07.2026

Date of short : 09.07.2026
order

ORDER

AMJAD ALI SAHITO, J – By this common Order, we intend to dispose of all the listed bail applications filed by the applicants named above against the Order dated 22.05.2026 passed by learned Judge, Special Court/Sessions Court, Malir, Karachi vide order dated 22.05.2026; whereby their bail plea has been declined in FIR No.911/2026 U/s 6/9(1)(a)(3) SCNS Act of PS Shah Latif Town.

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

3. Learned counsel for the applicants have primarily contended that all the three applicants are innocent and have been falsely implicated in the present case. It was argued that the alleged recovery of charas from applicant Farman is 240 grams, from applicant Sanaullah 160 grams, and from applicant Zaheer 200 grams, which, according to them, do not attract the prohibitory clause contained in Section 497, Cr.P.C.; that the alleged recovery of charas has been foisted upon the applicants by the police with malafide intention and ulterior motives. They 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 them, 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. They further contended that the applicants have remained behind bars for about two months and are no longer required for any further investigation. On these premises, they prayed for the grant of post-arrest bail to the applicants.

4. Conversely, the learned Additional Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicants were arrested at the spot and charas was recovered from their possession; therefore, they are 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. On the previous date of hearing, the Investigating Officer was directed to appear before the Court along with the entire case record including the video recording/USB pertaining to the incident. In compliance thereof, the Investigating Officer appeared and produced the USB containing the alleged video recording. However, when the USB was played in open Court, the video could not be played as the USB was found to be corrupted.

7. A perusal of the record reveals that on the day of incident, complainant ASI Ali Anwar Chang alongwith police party reached at Yousuf Arfani Goth, Narejo Mohalla, near Bilal Masjid where they apprehended present applicants alongwith other co-accused and recovered 240 grams charas from applicant Farman, 160 grams charas from applicant Sanaullah and 200 grams charas from applicant Zaheer respectively. Thereafter, the recovered narcotics were sealed at the spot and the applicants were arrested, whereafter the present case was registered against them.

8. A perusal of the record further reflects that 240, 160 and 200 grams of charas were allegedly recovered from the possession of the applicants/accused, who have remained in judicial custody for the about 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 alleged offence carries a maximum punishment of five years' imprisonment and a minimum sentence of ten months, and, therefore, does not fall within the prohibitory clause of Section 497, Cr.P.C. It is a settled principle of law that grant of bail is the rule and its refusal is an exception. The learned Additional Prosecutor General has failed to point out any exceptional circumstance warranting the denial of bail to the applicant/accused.

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 applicants/accused are previous convicts or are 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 applicants have succeeded in making out a case for the grant of post-arrest bail. Resultantly, the instant bail applications were allowed, and the applicants/accused were admitted to bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and 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 applicants on merits.

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

JUDGE

JUDGE

Kamran/PS