

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1517 of 2026

Applicant : Tahir Abbas S/o Muhammad Hussain
through Mr. Malik Muhammad
Zeeshan, Advocate

Respondent : The State
through Mr. Muhammad Noonari,
D.P.G. Sindh a/w PI/I.O. Ali Gul of PS
Super Market

Date of hearing : 14.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.154/2026 registered under Section 9(i)(3)-C of the SCNS Act of PS Super Market, after his bail plea has been declined by the learned Additional Sessions Judge-I (MCTC-1), Karachi Central 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 from the possession of the applicant has been foisted upon him with mala fide intention, as the applicant had earlier filed a complaint before the Inspector General of Police, Sindh, alleging the commission of dacoity by the police officials concerned, who were specifically nominated therein. Learned counsel further submitted that the prosecution has

not associated any private person as a mashir which is clear violation of Section 103, Cr.P.C. He further contended that the investigation has already been completed, the applicant has remained behind bars for more than four months, 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 Deputy Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant was apprehended at the spot and huge quantity of charas was recovered from his possession; that the offence in which he has been booked does not fall within the prohibitory clause of Section 497 Cr.P.C.; therefore, 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 incident, a police party headed by SIP Amjad Zahid of Police Station Super Market, along with other police officials, was engaged in routine patrolling when they received spy information that a person was standing inside the graveyard near Liaquatabad, carrying a huge quantity of charas and waiting for a customer. Acting upon the said information, the police party proceeded to the pointed place and apprehended the said person, who disclosed his name as Tahir Abbas son of Muhammad Hussain. Thereafter, his personal search was conducted, and recovered a purple shopping bag containing three packets of **charas** wrapped in plastic. The recovered contraband was weighed on a digital scale and found to be **3,500 grams.**

7. From further search of the applicant, the police recovered cash amounting to Rs.1,150/-, a Vivo mobile phone, and a Union Star motorcycle without a number plate from the applicant's possession. Upon verification through CPLC, the said motorcycle was found to have been reported stolen at Police Station Darakhshan on 17.05.2023. Consequently, the applicant was arrested and the instant FIR was registered.

8. Learned counsel for the applicants/accused has failed to point out anything from the record which may suggest that the complainant or any member of the raiding party bore any enmity, mala fide, or ulterior motive against the applicant. In these circumstances, coupled with the fact that a huge quantity of narcotics has allegedly been recovered from the possession of the applicant, he is not entitled to the concession of bail. In this regard, reliance is placed upon the case of *Dolat Khan v. The State and others* (2016 SCMR 1447).

9. Furthermore, the alleged offence carries a maximum punishment of fourteen years' imprisonment and a minimum sentence of nine years and, therefore, squarely falls within the prohibitory clause of Section 497, Cr.P.C.

10. In view of the foregoing discussion and the law laid down in the above-cited case, learned counsel for the applicant has failed to make out a case for the grant of bail under subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is **dismissed**. However, the learned trial Court is directed to conclude the trial expeditiously and decide the same, preferably within a period of **sixty days**.

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.

JUDGE

JUDGE

Kamran/PS