

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1756 of 2026

Applicant : Muhammad Jan S/o Gul Muhammad
through Mr. Imran Ali, Advocate

Respondent : The State
through Mr. Muhammad Noonari,
D.P.G. Sindh

Date of hearing : 02.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.119/2026 registered under Sections 9(i)(3)(c) of the CNS Amended Act, 2024 of PS Kalari, Lyari after his bail plea has been declined by the learned Special Judge/Sessions Judge, (CNS), Karachi South vide order dated 22.05.2026.

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. He argued that alleged recovery is wholly fabricated and has been foisted upon him. Learned counsel further submitted 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 investigation has already been completed, the applicant has remained behind bars for more than two 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; 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. SIP Raja Shakeel Ahmed, along with other police officials, was on routine patrol in Police Mobile No. SPE-004 within the jurisdictional limits concerned when they received spy information that two persons, allegedly involved in the sale of narcotics, were present on the service road off Main Maripur Road near Band Petrol Pump. Acting upon the said information, the police party immediately proceeded to the pointed place and observed two persons carrying black shopping bags in their right hands. Upon noticing the police party, both persons attempted to escape towards the street adjacent to Band Petrol Pump by hastening their pace; however, they were successfully apprehended by the police. Upon inquiry, they disclosed their names as (1) Nadeem and (2) Jan, the present applicant. Thereafter, their personal search was conducted, and during the search of the present applicant, one packet and one piece of charas were allegedly recovered from his possession, which upon weighing were found to be 1,650 grams. The entire proceedings were videographed by the raiding party, and the said video footage was subsequently

transferred onto a USB device, which forms part of the investigation record. Prima facie, therefore, it cannot be said that the recovered charas was foisted upon the applicant/accused.

7. Learned counsel for the applicant/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).

8. 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.

9. 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.

10. 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