

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

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

Criminal Bail Application No.1775 of 2026

Applicant : Abdul Razzaq S/o Abdullah
Muhammad Khan through
Mr. Saifullah, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan,
Addl. P.G. a/w SIP Noshad Alam of PS
Liaquatabad & SIP Riaz Khan on
behalf of DIG/CIA CRO Branch

Date of hearing : 06.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.313/2026 registered under Section 6/9-(i)3(c) Sindh CNS Amended Act, 2024 of PS Super Market, after his bail plea has been declined by the learned 1st Additional Sessions Judge, (MCTC), Karachi Central 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 on the same day, the applicant alongwith co-accused had gone to the police station following the murder of his brother namely Moosa Khan; however, instead of redressing their grievance, the police

arrested the applicant in the present case and falsely foisted upon him alleged recovery of charas. 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 about 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 Addl. 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. From perusal of the record reveals that on the day of the incident, the complainant, SIP Masroor Hayat, along with other police officials, was on routine patrol in Police Mobile No.SPE-535 within the limits of the locality. During the course of patrolling, they noticed two suspicious persons standing near a motorcycle at Gujar Nala, Naddi Kinara, Choona Depot, Liaquatabad. The police apprehended both individuals, who disclosed their names as Abdul Razzaq (the present applicant) and Shakeel. Thereafter, the personal search of the present applicant, Abdul Razzaq, was conducted, resulting in the recovery of a yellow plastic shopping bag wrapped with adhesive tape. Upon opening the same, one slab of charas was recovered, which, on being weighed

through a digital scale, was found to be 1,180 grams. During further search, cash amounting to Rs.1,000/- and two mobile phones were also recovered from his possession. Similarly, upon the personal search of co-accused Shakeel, one blue-coloured plastic shopping bag was recovered which, upon being opened, was found to contain charas weighing 1,190 grams, besides other personal articles recovered from his possession. The entire proceedings were videographed by the raiding party, and the said 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. Furthermore, the entire recovered contraband was sent to the office of the Director, Laboratories and Chemical Examiner, and the report received therefrom confirmed the substance to be **positive** for charas.

7. So far as the contention raised by the learned counsel for the applicant that the brother of the co-accused, namely Moosa Khan, was allegedly murdered by the police and that, in connection therewith, the police had summoned the present applicant along with the co-accused to the police station for settlement of the dispute, whereafter both of them were unlawfully detained and falsely implicated by foisting charas upon them, the same appears to be devoid of substance. It would suffice to observe that FIR No. 268 of 2026 was registered at Police Station Shahrah-e-Noor Jahan on the complaint of one Ahsan Khan son of Ahmed Khan, a private person, under Sections 392, 397, 353, 324 and 427, PPC, read with Section 7 of the Anti-Terrorism Act, 1997. In the said FIR, the complainant stated that he was employed in a private job and that, on the day of the incident at about 0450 hours, he was returning home on a motorcycle along

with his friend, Abdul Rehman. Upon reaching the main road near Darus Sarwar Hall, an unknown person riding a motorcycle signaled them to stop and, at gunpoint, snatched cash amounting to Rs.5,500/- and a Vivo mobile phone from the complainant, as well as a brown-coloured wallet containing Rs.2,250/- a coloured copy of a CNIC and a Realme mobile phone from his companion. Thereafter, the accused attempted to flee from the scene, whereupon the complainant and his companion raised cries of “Dacoit, Dacoit.” In the meantime, a police mobile reached the spot, resulting in an encounter during which the accused sustained serious injuries. In these circumstances, the plea raised by the learned counsel for the applicant carries no force and does not inspire confidence.

8. Moreover, the learned counsel for the applicant has failed to point out any material available on the record suggesting 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 judgment, the 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