

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail App. No. D – 83 of 2026

(Faraz Detho and another versus The State)

Before:

Mr. Zulfiqar Ali Sangi, J.

Mr. Arbab Ali Hakro, J.

Date of hearing : **22.07.2026**

Date of decision : **22.07.2026**

Mr. Faheem Habib Ghouri, Advocate for the applicants.

Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General, Sindh.

ORDER

Arbab Ali Hakro, J. – Through this criminal bail application, applicants / accused, namely Faraz son of Punhal Khan Detho and Nadir Ali son of Bashir Ahmed Detho, seek post-arrest bail in Crime No.64 of 2026, registered at Police Station Market, District Larkana, for the offence punishable under Section 9(1), Sr. No.3(c) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025 (**‘the Act’**).

2. Briefly stated, the prosecution case as disclosed in the FIR is that on 06.05.2026 at about 0130 hours, complainant ASI Suhail Ahmed Malgani, along with subordinate police officials, while conducting patrolling duty, allegedly received spy information regarding presence of two persons carrying charas in shoppers. It is alleged that the police party proceeded towards the indicated place near the backside of State Life Building, Larkana, where two persons were seen approaching while carrying separate blue coloured shoppers. On seeing the police party, they allegedly attempted to escape but were apprehended. It is alleged that three pieces of charas weighing 1050 grams were recovered from applicant Faraz, whereas four pieces weighing 1100 grams were recovered from applicant Nadir Ali. The recovered substance was allegedly sealed at the spot, video recording of the proceedings was prepared through a mobile phone and thereafter the

applicants were arrested and the present FIR was registered on behalf of the State.

3. Learned Counsel for the applicants contended that the applicants are innocent and have falsely been implicated due to ulterior motives and mala fide on the part of police officials. He submitted that the prosecution story is highly doubtful as the applicants are residents of Village Masoo Hub, situated at a considerable distance from the place of occurrence, and it is improbable that they would be present at the alleged place during odd hours of night while carrying such quantity of narcotics. Learned Counsel further argued that the applicants and their relatives were picked up prior to registration of the present FIR and thereafter several cases were registered against members of the same family and caste within a short span of time. He referred to Criminal Miscellaneous Application No.123 of 2026 filed under Section 491, Cr.P.C. before learned Additional Sessions Judge-VI, Larkana, regarding alleged illegal detention of applicant Nadir Ali along with other family members. It was further argued that the alleged recovery was effected from a public place but no independent person was associated as *mashir*. Learned Counsel also questioned the competency of the complainant, being ASI, to conduct proceedings under the Act, and challenged the evidentiary value of the alleged video recording. Lastly, it was submitted that the applicants are no longer required for investigation and their case requires further inquiry within the meaning of Section 497(2), Cr.P.C.

4. On the other hand, learned DPG opposed the bail application and submitted that the applicants were arrested at the spot and charas weighing more than one kilogram was recovered from each of them. He contended that the recovery proceedings were conducted in accordance with law, the recovered substance was duly sealed, samples were sent for chemical examination, the report confirmed the substance to be charas and video recording of the proceedings was also prepared. According to learned DPG, sufficient material is available connecting the applicants with the alleged offence, which falls within the prohibitory clause.

5. We have heard the learned Counsel for the parties and have gone through the available record with their assistance.

6. The record reflects that the alleged recovery was effected from a public place during night hours. Although the prosecution has asserted that private persons were not available and police officials were associated as *mashirs*, however, the fact remains that the entire recovery proceedings are supported by official witnesses only. At the stage of bail, the absence of independent corroboration in the circumstances of the case is a factor which requires consideration while making tentative assessment of the prosecution case.

7. The defence has placed considerable reliance upon the circumstances that several relatives and caste fellows of the applicants were allegedly booked in separate narcotics cases within a short period. It has been argued that such sequence of events creates doubt regarding the manner in which the present case was registered. The record further reveals that Criminal Miscellaneous Application No.123 of 2026 under Section 491, Cr.P.C. was filed by Sheeraz Ali, brother of applicant Nadir Ali, soon after the alleged occurrence, wherein allegations regarding illegal detention of certain family members were raised. Though the said proceedings ultimately became infructuous to the extent of the present applicants after their arrest was shown in the respective FIRs and the application was not pressed thereafter, nevertheless, the fact that such proceedings were initiated contemporaneously remains a relevant circumstance. Whether the said material supports the defence plea of false implication or otherwise requires appreciation of evidence, which is not possible at the bail stage. However, the same cannot be completely ignored while examining the question of further inquiry.

8. The contention regarding the authority of the complainant also requires tentative consideration. The complainant admittedly holds the rank of ASI. Whether he was competent and duly authorized to perform functions under Section 17(1) of the Act is a matter requiring determination after

evidence is recorded and the relevant provisions of law are interpreted during trial. At this stage, the said question cannot conclusively be decided against the applicants.

9. The prosecution has relied upon video recording of the alleged recovery proceedings. However, the defence has questioned the manner of preparation of such recording, including non-disclosure of the particulars of the device allegedly used for recording and non-production of the said device as case property. The authenticity, continuity, completeness and evidentiary value of such recording are matters to be examined during trial. At the present tentative stage, mere availability of a video clip cannot by itself remove the doubts arising from other circumstances available on record.

10. The alleged recoveries from the applicants are 1050 grams and 1100 grams of charas respectively, attracting Section 9(1), Sr. No.3(c) of the Sindh Control of Narcotic Substances Act, 2024. Although the alleged offence is punishable with imprisonment which may extend to fourteen years but shall not be less than nine years, the prohibitory clause, by itself, does not create an absolute bar to the grant of bail. It is by now well settled that even in offences falling within the prohibitory clause, where the material available on record gives rise to circumstances warranting further inquiry within the contemplation of Section 497(2), Cr.P.C., the concession of bail may be extended. The gravity of the accusation alone cannot constitute the sole ground to refuse bail where the prosecution case otherwise calls for deeper examination during trial.

11. Upon an overall tentative assessment of the material available on record, the circumstances discussed hereinabove, including non-association of independent *mashirs* despite alleged recovery from a public place, the background in which multiple cases were registered against members of the same family, initiation of proceedings under Section 491, Cr.P.C. immediately after the alleged occurrence, the question regarding authority of the complainant and the evidentiary worth of the video recording, require

deeper scrutiny during trial. Thus, the case of the applicants falls within the scope of further inquiry as contemplated under Section 497(2), Cr.P.C.

12. The applicants are in custody since their arrest. The investigation has substantially been completed and the chemical examiner's report has already been received by the prosecution. Nothing has been brought on record to demonstrate that their further detention is required for any investigative purpose or that, if released on bail, they are likely to abscond or influence the prosecution witnesses.

13. In view of the discussion made hereinabove, we are of the tentative view that the applicants have succeeded in making out a case for grant of post-arrest bail. Accordingly, the instant criminal bail application is **allowed** and the applicants, namely Faraz son of Punhal Khan Detho and Nadir Ali son of Bashir Ahmed Detho, are **admitted to bail** subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each together with P.R. bond in the like amount to the satisfaction of the learned trial Court.

14. The observations made hereinabove are purely tentative in nature and shall not prejudice either party during trial.

The bail application stands **disposed of** in the above terms. These are the reasons of our short order dated 22.07.2026.

J U D G E

J U D G E

Abdul Basit