

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail App. No. D – 84 of 2026

(Rizwan Detho 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 applicant.

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

ORDER

Arbab Ali Hakro, J. – Through this criminal bail application, applicant / accused Rizwan son of Punhal Khan Detho seeks post-arrest bail in Crime No.29 of 2026 registered at Police Station Allahabad, District Larkana, for offence punishable under Section 9(1), Sr. No.3(c) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025 (**‘the Act’**).

2. As per the prosecution case, on 06.05.2026, complainant ASI Syed Abdullah Shah along with police officials allegedly apprehended the applicant near Rice Canal Bank near Hasnain Colony while he was carrying a black plastic shopper. It is alleged that upon search, charas weighing 1050 grams was recovered from his possession. The recovered substance was allegedly sealed, video of the proceedings was prepared and the applicant was arrested, whereafter the present FIR was registered.

3. Learned Counsel for the applicant contended that the applicant has falsely been implicated and that the present case is part of a series of narcotics cases registered against his close relatives and caste-fellows on the same day. He referred to Crime No.64/2026 of Police Station Market, Crime No.24/2026 of Police Station Mahota and Crime No.26/2026 of Police Station Aqil, submitting that registration of several cases within a short span creates reasonable doubt regarding the prosecution version. He further argued that despite alleged recovery from a public place, no independent person was associated as *mashir* and the alleged electronic evidence requires proper appreciation during trial.

4. Learned DPG opposed the bail application and submitted that the applicant was arrested with a commercial quantity of charas and that the recovery proceedings were conducted in accordance with law. He contended that the offence falls within the prohibitory clause and sufficient material is available connecting the applicant with the alleged offence.

5. We have heard the learned Counsel for the parties and examined the record.

6. The alleged recovery was effected from Rice Canal Bank near Hasnain Colony, which is a public place. Although the prosecution has explained non-association of private persons, the fact remains that the recovery proceedings are supported by police officials only. At this tentative stage, the evidentiary value of such recovery proceedings and the effect of non-association of independent persons require further consideration during trial.

7. The defence has also relied upon the fact that several FIRs under the CNS Act were registered against close relatives and caste-fellows of the applicant on the same day. The prosecution has explained such circumstance by alleging involvement of the family members in narcotics activities. However, whether such circumstances reflect a genuine pattern of criminal conduct or require deeper scrutiny is a matter which can only be determined after recording evidence.

8. The record further shows that proceedings under Section 491, Cr.P.C. were initiated by Sheeraz Ali Detho regarding alleged detention of certain members of the applicant's family. The said proceedings were ultimately disposed of after the police authorities produced material showing arrest of some persons in separate criminal cases. Although such proceedings do not by themselves establish false implication, the timing thereof and surrounding circumstances relating to multiple arrests constitute a relevant circumstance while considering the question of bail.

9. The prosecution has relied upon the alleged video recording of the recovery proceedings; however, its evidentiary value, authenticity and compliance with the legal requirements are matters which require

determination after recording evidence and cannot, at this stage, completely exclude the possibility of further inquiry.

10. The alleged recovery from the applicant is 1050 grams of charas, attracting Section 9(1), Sr. No.3(c) of the Act. Although the alleged offence prescribes punishment extending up to fourteen years with a minimum sentence of nine years, yet the prohibitory clause does not create an absolute bar to the grant of bail. Even in such offences, where the material available on record gives rise to circumstances requiring 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 be made the sole ground to decline bail where the prosecution case otherwise calls for deeper examination at the trial.

11. In view of the above circumstances, particularly the surrounding facts relating to multiple FIRs registered against close relatives of the applicant, the proceedings under Section 491, Cr.P.C., and the tentative evidentiary status of the recovery proceedings, the case falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. The applicant has remained behind bars and investigation has been completed. Nothing has been brought on record showing that his further custody is required or that he is likely to abscond or tamper with the prosecution evidence.

12. Accordingly, the instant criminal bail application is **allowed**. Applicant Rizwan son of Punhal Khan Detho is **admitted to post-arrest bail** subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. Bond in the like amount to the satisfaction of the learned trial Court.

13. 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