

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail App. No. D – 85 of 2026

(Faraz Khan 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 the instant criminal bail application, applicant / accused Faraz Khan son of Bashir Ali Detho seeks post-arrest bail in Crime No.24 of 2026 registered at Police Station Mahota, 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. The prosecution case, as set out in the FIR, is that on 06.05.2026 at about 1400 hours, complainant ASI Ghulam Hussain Laghari, along with subordinate police officials, left the police station for patrolling duty. It is alleged that on receiving spy information regarding a person carrying charas in a black plastic shopper near Rice Canal Bank, Larkana-Naudero Road, the police party proceeded towards the pointed place. The applicant was allegedly seen carrying a black plastic shopper and, on seeing the police party, attempted to escape; however, he was apprehended. It is alleged that the shopper recovered from his possession contained charas weighing 1090 grams. The recovery proceedings were conducted, samples were prepared, video recording of the proceedings was allegedly made, and thereafter the applicant was arrested and the present FIR was registered.

3. Learned Counsel for the applicant contended that the applicant is innocent and has been falsely implicated. He argued that the alleged

recovery was shown to have been effected from a public place, yet no independent person from the locality was associated as *mashir* and only police officials were cited as witnesses. He further submitted that the applicant, along with his relatives and caste-fellows, was allegedly picked up prior to registration of the present FIR and thereafter multiple narcotics cases were registered against them on the same day at different police stations, which creates serious doubt regarding the genuineness of the prosecution story. Learned Counsel also referred to the proceedings under Section 491, Cr.P.C. initiated before learned Additional Sessions Judge-VI, Larkana, whereby the allegation of illegal detention of the applicant and his relatives was raised. It was further argued that the alleged video recording does not conclusively establish compliance with the mandatory requirements of law and its evidentiary value requires examination during trial. Lastly, it was submitted that investigation has been completed and the applicant is no longer required for further investigation.

4. Conversely, learned DPG opposed the bail application and submitted that the applicant was apprehended with 1090 grams of charas, which falls within the prohibitory clause. He contended that the recovery was effected in accordance with law, the proceedings were video-recorded and the chemical examination report supports the prosecution case. According to him, sufficient material is available on record connecting the applicant with the commission of the alleged offence.

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

6. The alleged recovery in the present case was effected from Rice Canal Bank near Dirty Well, which is admittedly a public place. Although the prosecution has taken the stance that private persons were unavailable and police officials were appointed as *mashirs*, nevertheless, the alleged recovery from a public place and non-association of independent witnesses is a circumstance which requires tentative consideration at the bail stage,

particularly when the entire recovery proceedings are supported by official witnesses.

7. The prosecution has relied upon video recording of the alleged recovery proceedings. Such recording may provide support to the prosecution case; however, its authenticity, continuity, manner of preparation, and compliance with the relevant statutory requirements are matters which require appreciation of evidence. At the stage of bail, the mere availability of such material cannot by itself remove every possible doubt arising from other circumstances available on record.

8. It is also reflected from the record that on 06.05.2026, within a short span of time, several narcotics cases were registered at different police stations against the applicant and his relatives/co-villagers. The defence has relied upon such circumstance to suggest a possibility of false implication. The said plea, by itself, cannot be treated as conclusive at this stage; however, the sequence of events, coupled with the defence version regarding prior detention, constitutes a circumstance requiring deeper examination during trial.

9. The proceedings initiated under Section 491, Cr.P.C. before learned Additional Sessions Judge-VI, Larkana also require consideration. Perusal of the order dated 08.05.2026 reveals that the application, to the extent of the applicant and his relative Nadir Ali, was disposed of as having become infructuous after the police reports disclosed their arrest in registered FIRs. The said proceedings do not conclusively establish illegal detention; however, the fact remains that an allegation of prior detention was raised immediately after the alleged occurrence, which is a circumstance that may be considered along with other material available on record while determining whether further inquiry is attracted.

10. The alleged recovery from the applicant is 1090 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 the present case, the absence of independent *mashirs* despite alleged recovery from a public place, the tentative evidentiary status of the video recording, the circumstances surrounding the registration of multiple FIRs within a short span and the issue raised regarding prior detention collectively provide sufficient grounds requiring further inquiry under Section 497(2), Cr.P.C.

12. In view of the above discussion, the applicant has succeeded in making out a case for grant of post-arrest bail. Accordingly, the instant criminal bail application is **allowed** and applicant Faraz Khan son of Bashir Ali Detho is **admitted to 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