

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-252 of 2026

Applicant : Muhammad Siddique s/o Wali Dino
Through Mr. Aghis-U-Salam Tahirzada, Advocate

The State : Ms. Rameshan Oad, Deputy Prosecutor General

Dates of hearing : **01.09.2026**

Date of short order: **01.09.2026**

Date of reasons : **01.09.2026**

ORDER

ABDUL MOBEEN LAKHO, J:- Through this Bail Application, applicant Muhammad Siddique seeks post-arrest bail in Crime No.01/2026 registered at Police Station Nasarpur, District Tando Allahyar, for an offence under Section 9(1)3(c) of the Sindh Control of Narcotic Substances Act, 2024. His earlier bail application was dismissed by the learned 1st Additional Sessions Judge, Tando Allahyar, vide order dated 04.03.2026.

2. Briefly, the prosecution case is that on 03.01.2026, during patrol duty, the police allegedly apprehended the applicant from Main Road Tando Allahyar adjacent to Qazi curve and recovered 1530 grams of Charas from a black shopper allegedly held by him, whereafter the present FIR was registered. The contraband was subsequently sent for chemical examination.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated; he submits despite the alleged recovery from a public place being main road Tando Allahyar no private mashir was

associated in the proceedings; that the prosecution case rests entirely upon official witnesses subordinate to the complainant and that the matter requires further inquiry. He further submitted that the challan has already been submitted and the applicant is no longer required for investigation.

4. Learned D.P.G. opposed the application and submitted that 1530 grams of Charas were recovered from the possession of the applicant and the Chemical Examiner's report is positive. She, therefore, prayed for dismissal of the application.

5. We have heard learned counsel for the parties and perused the material available on record.

6. Tentative assessment of the record reflects that the alleged recovery was made from public place, yet no independent witness was associated in the recovery proceedings. The prosecution case is entirely founded upon the testimony of police officials, whose statements would ultimately be tested during trial. It further appears from the Chemical Examiner's report that while the gross weight of the recovered substance was shown as 1530 grams, the net weight thereof was recorded as 1527 grams. The Chemical Examiner's report is reflected in the record.

7. The challan has already been submitted before the competent Court and the applicant is no longer required for investigation. The prosecution evidence is yet to be tested through cross-examination and the questions raised by the prosecution require deeper appreciation of evidence, which can only be undertaken at the trial.

8. Keeping in view the overall facts and circumstances of the case, the nature of evidence collected by the prosecution and the principle of further inquiry contemplated under Section 497(2), Cr.P.C., we are of the tentative view that the applicant has made out a case for grant of post-arrest bail.

Reliance may be placed on **Noor Khan v. The State (2021 SCMR 1212)** regarding tentative assessment at the bail stage.

9. Consequently, this Criminal Bail Application is **allowed**. Applicant Muhammad Siddique 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.

10. The observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

11. The above are the reasons of our short order dated 01.09.2026.

JUDGE

JUDGE

Ali Haider