

-THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Present:

Mr.Justice Abdul Mobeen Lakho

Mr.Justice Zulfiqar Ali Sangi

Crl. Bail Application No. D-83 of 2026

Applicant : Fahad son of Safdar Panhwar
Through Mr.Imtiaz Ali Abbasi, Advocate

The State : Ms.Rameshan Oad, Deputy Prosecutor General, Sindh

Dates of hearing : **24.09.2026**

Date of short order: **24.09.2026**

Date of reasons : **29.09.2026**

ORDER

ABDUL MOBEEN LAKHO, J:- Through this Bail Application, applicant Fahad seeks post-arrest bail in Crime No.329 of 2025, registered at Police Station Qasimabad, Hyderabad, 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 II-Additional Sessions Judge/Special Judge CNS, Hyderabad vide order dated 12.09.2025.

2. Briefly, the prosecution case is that on 13.07.2025, during patrol duty, the complainant party allegedly received spy information regarding two persons carrying Charas near Railway Employees Society, Sehrish Nagar Phatak, Qasimabad. It is alleged that one accused succeeded in escaping, whereas the present applicant was apprehended on the spot and from his possession 2070 grams of Charas was allegedly recovered. The recovered substance was sealed at the spot and the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated; that no independent mashir was associated despite the alleged recovery from a public place; that the prosecution has failed to

demonstrate strict compliance of Section 17 of the Sindh Control of Narcotic Substances Act, 2024 regarding video recording of the proceedings; that the sample was dispatched to the Chemical Examiner after delay and that the case calls for further inquiry.

4. Learned D.P.G. opposed the bail application and submitted that the applicant was apprehended at the spot and recovered Charas weighs 2070 grams. She further argued that the recovery memo and statements of mashirs support the prosecution version and sufficient material is available on record connecting the applicant with the commission of the alleged offence.

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

6. Tentative assessment of the record reflects that although the prosecution has alleged recovery of 2070 grams of Charas from the possession of the applicant, the recovery was allegedly effected from a public place, yet no independent person was associated in the proceedings. The prosecution case further reveals that the alleged recovery was based upon prior spy information; however, no effort appears to have been made to associate any private witness from the locality. Such circumstance, though not by itself decisive, requires cautious consideration at the bail stage.

7. It further appears from the record that the challan has already been submitted before the competent Court and the applicant is no longer required for investigation. The prosecution case mainly rests upon official witnesses and the evidentiary value of the alleged recovery is yet to be tested through cross-examination. The Honourable Supreme Court of Pakistan in **Zahid Sarfaraz Gill v. The State (2024 SCMR 934)** emphasized the importance of transparency and observance of modern safeguards in narcotics cases. Likewise, in **Noor Khan v. The State (2021 SCMR 1212)**, it was held that at the bail stage only a tentative assessment is permissible

and where circumstances requiring further probe exist, the benefit thereof should be extended to the accused.

8. Keeping in view the peculiar facts and circumstances of the case, the nature of the alleged recovery, the question regarding compliance of statutory safeguards, submission of challan and the principle of further inquiry 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.

9. Consequently, this Bail Application is **allowed**. Applicant Fahad 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.

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

10. The above are the reasons of our short order dated 24.09.2026.

JUDGE

JUDGE

AHSAN K. ABRO