

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1675 of 2026

Applicant : Javed Rasheed S/o Abdul Hakeem
through Mr. Muhammad Aslam
Bhutta, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan,
Addl. P.G. Sindh a/w Dr. Samiullah
Soomro, SSP SIU

Date of hearing : 22.07.2026

Date of short order : 22.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.315/2025 registered under Sections 9(1)3(e) & 9(2)9 of the Sindh Control of Narcotics Substances (Amended) Act, 2025 of PS SIU East, Karachi, after his bail plea has been declined by the learned Sessions Judge, Karachi East vide order dated 10.03.2026.

2. The detailed facts of the case are already available in the bail application as well as FIR, therefore, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant primarily contended that the applicant is innocent and has been falsely implicated in the present case. He submitted that the applicant is a Government officer presently serving as an Assistant Excise & Taxation Officer in the Excise, Taxation & Narcotics Department, Government of Sindh, and, by virtue of his official position, is fully conversant with the legal

consequences attendant upon narcotics offences. It was argued that the alleged recovery of the contraband from the trunk (diggi) of the vehicle has been attributed to the applicant without there being any material on record establishing his ownership, possession, or exclusive control over either the vehicle or the sack allegedly containing the narcotics. Learned counsel maintained that the mere recovery of narcotics from a vehicle in which the applicant was travelling does not, by itself, establish his conscious and exclusive possession, particularly when four persons were occupying the vehicle at the relevant time. He further submitted that the complainant, SIP Aijaz Ahmed, has himself been suspended on allegations of involvement in narcotics cases, corruption, and other corrupt practices, thereby rendering the alleged recovery highly doubtful and diminishing the credibility of the prosecution case. Learned counsel further pointed out a material inconsistency regarding the identity of the vehicle allegedly used in the commission of the offence. According to the FIR, the vehicle was a Toyota Platz bearing Registration No. AEM-876; however, during the course of investigation, the Investigating Officer referred to another vehicle bearing Registration No. AEM-612. It was contended that verification of the registration record revealed that Registration No. AEM-876 pertains to a Honda City registered in the name of M/s Novatex Co., whereas Registration No. AEM-612 pertains to a Suzuki Cultus owned by Ms. Mahnoor Siddiqui. It was argued that neither of the said vehicles is a Toyota Platz, and despite both vehicles being registered in the names of different owners, neither owner was associated with the investigation nor cited as a prosecution witness, thereby creating serious doubt regarding the veracity of the prosecution's version. Learned counsel further submitted that no private mashir was associated with the alleged recovery, nor was any video recording thereof produced, which, according to him, constitutes a violation of Section 103, Cr.P.C., as well as Section 17(2) of the Sindh Control of Narcotic Substances Act, 2024. Lastly, it was contended that the applicant has

remained in judicial custody for more than seven months, is no longer required for the purposes of investigation, and, therefore, is entitled to the concession of post-arrest bail. On these grounds, learned counsel prayed that the applicant be admitted to bail.

4. Conversely, the learned Additional Prosecutor General, Sindh, vehemently opposed the grant of bail and submitted that the applicant was apprehended at the spot while travelling in the vehicle from which a substantial quantity of narcotics was allegedly recovered. He contended that sufficient incriminating material is available connecting the applicant with the commission of the offence and that the prosecution case does not warrant the concession of post-arrest bail. He, therefore, prayed for dismissal of the instant bail application.

5. We have heard the learned counsel for the parties at considerable length and have carefully examined the material available on the record.

6. A perusal of the record reveals that on 30.11.2025, the complainant, SIP Aijaz Ahmed Butt, along with other police officials, acting upon spy information, proceeded to Darmayani Road, Block Nos. 6 and 7, near United Chartered School, Gulistan-e-Jauhar, Karachi, where surveillance was conducted. During the course of such surveillance, a white Toyota Platz bearing Registration No. AEM-876 was intercepted. The occupants of the vehicle disclosed their identities as Fazal Rasheed alias Sheena, who was driving the vehicle, the present applicant Javed Rasheed seated on the front passenger seat, Faraz seated behind the driver, and Noman occupying the rear seat. It is alleged that a white plastic sack containing 30 kilograms of charas was recovered from near the feet of the present applicant. It is further alleged that another sack, stated to belong to the applicant, was recovered from the trunk (diggi) of the vehicle, which allegedly contained 30 kilograms of charas and 10 kilograms of methamphetamine (Ice). Likewise, another sack allegedly

belonging to co-accused Fazal Rasheed, recovered from the trunk of the vehicle, was found to contain 30 kilograms of charas and 10 kilograms of methamphetamine (Ice), whereas separate sacks containing 30 kilograms of charas each were allegedly recovered from near the feet of co-accused Faraz and Noman. Consequently, the instant FIR came to be registered against the present applicant and the other co-accused.

7. On the previous date of hearing, the SSP (Investigation), SIU, was directed to explain the circumstances under which DSP Muhammad Wasif and the complainant of the present case, namely SIP Aijaz Ahmed, had been suspended in connection with present FIR Nos. 315, 316, 317, and 318 of 2025 registered at SIU Police Station. In compliance with the said direction, Dr. Samiullah Soomro, SSP (Investigation), SIU, appeared before the Court and submitted that the inquiry was conducted by the DIGP concerned, as the matter pertained to his unit, and that both the aforesaid officers were found to have been involved in misconduct, corruption, and corrupt practices. Consequently, disciplinary proceedings were initiated against them, and they were placed under suspension.

8. Admittedly, the applicant is a Government officer presently serving as an Assistant Excise & Taxation Officer in the Excise, Taxation & Narcotics Department, Government of Sindh. The alleged recovery of contraband from the vehicle has been attributed to him without any material demonstrating his ownership, possession, or exclusive control over either the vehicle or the sack allegedly containing the narcotics. The record further reflects that the complainant, SIP Aijaz Ahmed, has himself been placed under suspension on allegations relating to involvement in narcotics cases, corruption, and other corrupt practices. Although such allegations are yet to attain finality, this circumstance, at least tentatively, casts a serious shadow over the credibility of the prosecution case and renders the alleged recovery open to doubt.

9. The contention advanced by the learned counsel for the applicant regarding the identity of the vehicle allegedly used in the commission of the offence also carries considerable substance. The prosecution case suffers from a material inconsistency inasmuch as the FIR describes the vehicle as a Toyota Platz bearing Registration No. AEM-876, whereas the Investigating Officer, during the course of investigation, referred to another vehicle bearing Registration No. AEM-612. Significantly, the registration record reveals that neither of these registration numbers pertains to a Toyota Platz. Registration No. AEM-876 stands registered as a Honda City in the name of M/s Novatex Co., whereas Registration No. AEM-612 pertains to a Suzuki Cultus owned by Ms. Mahnoor Siddiqui. Notwithstanding these glaring discrepancies, the prosecution neither associated the registered owners of the aforesaid vehicles with the investigation nor cited them as prosecution witnesses to explain the alleged use of their respective vehicles in the commission of the offence. Such unexplained inconsistencies materially undermine the prosecution case and create a reasonable doubt regarding the truthfulness of the allegations levelled against the applicant.

10. Apart from the foregoing, the suspension of the complainant, SIP Aijaz Ahmed, on allegations of involvement in narcotics cases, corruption, and corrupt practices, though yet to be conclusively established, is a circumstance which, when considered cumulatively with the other infirmities noted hereinabove, lends further support to the applicant's plea that the matter calls for further inquiry within the contemplation of Section 497(2), Cr.P.C.

11. Furthermore, all the prosecution witnesses are police officials and, therefore, there appears to be no likelihood of the applicant tampering with the prosecution evidence. The prosecution has also failed to place on record any material indicating that the applicant is either a previous convict or involved in any other case of a similar nature. At the stage of deciding a bail application, the Court is required to undertake only a tentative assessment of the material available on

record, and a deeper appreciation of the evidence, which may prejudice either party at the trial, is not permissible.

12. In view of the foregoing circumstances, and without expressing any opinion on the merits of the case, which shall be determined by the learned Trial Court after recording evidence, we are of the tentative view that the case of the applicant falls within the ambit of further inquiry as envisaged under subsection (2) of Section 497, Cr.P.C. Consequently, the applicant has succeeded in making out a case for the grant of post-arrest bail. Accordingly, the instant bail application was allowed, and the applicant was admitted to bail, subject to furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** and a personal recognizance bond in the like amount to the satisfaction of the learned Trial Court.

13. Needless to observe that the findings recorded herein are purely tentative in nature and have been made solely for the purpose of deciding the instant bail application. The learned Trial Court shall decide the case strictly on the basis of the evidence adduced before it, uninfluenced by any observation contained in this order.

14. These are the reasons for our short order dated **22.07.2026.**

JUDGE

JUDGE

Kamran/PS