

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam
Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1426 of 2026

Applicant : Muhammad Hanif S/o Murad Bukhsh
through Mr. Javed Ahmed Shar,
Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan,
Addl. P.G. a/w SIP Jameel Ahmed of
PS Shah Latif Town

Date of hearing : 08.07.2026

Date of order : __.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.784/2026 registered under Section 9(2)5 Sindh Control of Narcotics Substances Act, 2024 of PS Shah Latif Town, after his bail plea has been declined by the learned Special Court/Sessions Court, Malir Karachi vide order dated 06.05.2026.

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 argued that the prosecution neither associated any private person as a mashir nor produced any video recording showing the alleged recovery from the possession of the applicant, which, according to him,

constitutes a clear violation of Section 103, Cr.P.C., as well as Section 17(2) of the Sindh Control of Narcotic Substances Act, 2024. He further contended that the investigation has already been completed, the applicant has remained behind bars for more than two months, and is no longer required for any further investigation. On these premises, he prayed for the grant of post-arrest bail to the applicant.

4. Conversely, the learned Addl. Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant was apprehended at the spot and huge quantity of charas was recovered from his possession; therefore, he is not entitled to the concession of bail.

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

6. On the previous date of hearing, this Court directed the Investigating Officer (I.O.) to appear along with the original video recording preserved in the USB. In compliance with the said directions, the Investigating Officer appeared before the Court today and produced a sealed USB. The seal was opened in open Court, and the video recording contained therein was played and examined.

7. The complainant, SIP Anwar, has alleged in the F.I.R. that on the day of the incident, he, along with other police officials, was on routine patrol in Police Mobile No. SPG-087 within the jurisdiction of the concerned police station. During the course of patrolling, they allegedly noticed a suspicious person proceeding towards Allah Wala Chowk, who was apprehended with the assistance of the accompanying police officials and disclosed his identity as Muhammad Hanif son of Murad Bukhsh. It is further

alleged that upon conducting his personal search, five white plastic shopping bags containing narcotic substance (ICE) were recovered from his possession, which, upon being weighed on a digital scale, amounted to 510 grams.

8. However, a careful examination of the video recording played before this Court reveals that it merely depicts the applicant standing while a police constable conducts his personal search. Significantly, the remaining portion of the alleged proceedings, particularly the recovery of the contraband (ICE) from the possession of the applicant as asserted by the complainant, is conspicuously absent from the video recording. This omission prima facie lends support to the contention advanced by the learned counsel for the applicant. Nevertheless, the evidentiary value and legal effect of the said video recording, as well as the prosecution's explanation regarding the missing portion thereof, are matters which shall be determined by the learned trial Court after recording the evidence of the parties during the course of trial.

9. A further perusal of the record reflects that the prosecution alleges the recovery of 510 grams of ICE from the possession of the applicant/accused, who has remained in judicial custody for approximately two months. Despite the lapse of this period, no meaningful progress has been made in the trial proceedings. The question regarding the quantum of sentence, if any, shall be determined only upon the conclusion of the trial, subject to the prosecution proving its case against the applicant/accused beyond reasonable doubt. The alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C. It is by now a well-settled principle of law that the grant of bail is the rule, whereas its refusal is an exception.

The learned Assistant Prosecutor General has been unable to point out any exceptional circumstance or disqualifying factor which would justify withholding the concession of bail from the applicant/accused.

10. 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 to indicate that the applicant/accused is a previous convict or is involved in any other case of a similar nature. At the bail stage, the Court is required to make only a tentative assessment of the material available on record, and a deeper appreciation of the evidence is not permissible.

11. In the aforesaid circumstances, the case of the applicant/accused falls within the ambit of further inquiry as contemplated under subsection (2) of Section 497, Cr.P.C. Consequently, the learned counsel for the applicant has succeeded in making out a case for the grant of post-arrest bail. Resultantly, the instant bail application is **allowed**, and the applicant/accused is admitted to bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees One Lac only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

12. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

JUDGE