HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.D-40 of 2026

(Muhammad Ibrahim vs. The State)

Before:

Mr. Justice Nisar Ahmed Bhanbhro.
Mr. Justice Muhammad Jaffer Raza

Applicant	:	Muhammad Ibrahim s/o Mehboob Hussain Through Mr. Asghar Aziz Mirani, Advocate.
Respondent	:	The State Through Mr. Neel Parkash, D.P.G.
Date of hearing	:	29.10.2026
Date of Order	:	29.10.2026

O R D E R

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Muhammad Ibrahim s/o Mehmood Hussain, seeks post arrest bail under Section 497 Cr.P.C in F.I.R bearing Crime No.59 of 2026, registered at Police Station Mehmoodabad for offence punishable under Section 9(1)(3) C,E of SCNS Act, 2024, Amendment Act, 2025. His earlier application for post arrest bail was dismissed by the learned Sessions Judge/Special Judge (CNSA), Mirpurkhas, vide order dated 25-09-2026 passed in Criminal Bail Application No. 1180 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The brief facts of the prosecution case as per F.I.R lodged by complainant SIP Ghulam Hussain Laghari at P.S Mehmoodabad on 18-09-2026 are that on the same date he along with PC Bakhtawar, PC Mehr Ali, PC Dedha Ram and DPC Muhammad Amin left CIA Centre, Mirpurkhas, in official vehicle vide Roznamcha Entry No. 08, at 1700 hours. While patrolling at various places, when they reached at Jumman Shah Link road, they noticed a white coloured Shahzore vehicle bearing registration No. KH-3040 parked there, which appeared suspicious to them. They stopped their police mobile and proceeded towards the said vehicle. At about 1805 hours, two persons started fleeing from the said vehicle while carrying red-coloured bags in their hands. They chased them but they threw away the bags and fled towards the bushes. They identified both of them as Muhammad Younis and Zulfiqar Ali alias Raja. Meanwhile, they apprehended a person from the Shahzore vehicle alongwith a black-coloured shopping bag. On inquiry he disclosed his name as Muhammad Ibrahim. The shopping bag was checked, which contained one large piece of charas wrapped in white and brown paper, weighing 1,220 grams. Thereafter, the red-coloured bag left by absconding accused Muhammad Younis

was taken into police custody and checked, it contained nine packets of charas wrapped in white and brown paper. The recovered charas was weighed which became total 11050 grams. Similarly, the red-coloured bag left by absconding accused Zulfiqar Ali alias Raja was taken into custody and checked, it contained ten packets of charas wrapped in white and brown paper total weighing 12,200 grams. The entire quantity of recovered charas was sealed in separate parcels for chemical examination. Thereafter, personal search of accused Muhammad Ibrahim was conducted, during which two currency notes of Rs. 1,000/= each, total Rs. 2,000/= were recovered from his side pocket. After preparation of such memo they brought the arrested accused and recovered property at police station Mehmoodabad, where complainant lodged instant F.I.R.

3. Learned counsel for the applicant contended that applicant is innocent and he has been falsely implicated in the instant case by the police; nothing was recovered from the possession of applicant and property is foisted upon him; through the alleged place of incident is situated near Jumman Shah link road but none from the public was associated as mashir nor video was recorded for the alleged arrest and recovery proceedings. He further contended that entire recovery proceedings were conducted in violation of section 17 of SCNS Act, 2004. He further contended that alleged offence is punishable for nine years and does not come within the ambit of prohibitory clause of section 497(1) Cr.P.C. He further contended that on the same day ASP alongwith Incharge CIA Centre Mirpurkhas held Press Conference wherein disclosed that incharge CIA Centre Mirpurkhas and incharge Madadgar 15 conducted raid and recovered charas from hidden safe boxes of Shahzore vehicle and arrested the applicant. He further contended that during said press conference the case property was lying opened on the table. He, therefore, prays for grant of bail to the applicant.

4. Conversely, learned D.P.G has contended that applicant was apprehended at the spot and charas weighing 1220 grams was recovered from his possession and alleged offence falls under the prohibitory clause of Section 497(1) Cr.P.C. He further contended co-accused fled away after leaving bags containing huge quantity of charas. Therefore, he prays for dismissal of instant bail application.

5. Heard arguments and perused the record. Perusal of record shows that the applicant was allegedly arrested from near Jumman Shah link road during evening time i.e. 1805 hours (6:05 p.m), but none from the public was associated as mashir. Moreover, the police has failed to record video of arrest and recovery proceedings, which is in violation of section 17 of the Act. The applicant was allegedly found in possession of 1220 grams of charas, which offence is punishable for imprisonment

which may extend to fourteen years but shall not be less than nine years; however, it is the trial Court to decide the quantum of sentence after conclusion of trial, therefore, at this stage the alleged offence does not fall within the ambit of prohibitory clause of section 497(1) Cr.P.C, wherein bail is rule and refusal is an exception. The applicant is confined in jail and no more required for further investigation.

6. For the foregoing reasons and without expressing any final opinion on the merits of the case, the applicant has succeeded in making out a case for grant of post arrest bail. Consequently, the applicant namely Muhammad Ibrahim s/o Mehmood Hussain is granted bail subject to furnishing a solvent surety in the sum of Rs.200,000/= (Rupees Two Hundred Thousand only) and P.R. Bond in the like amount to the satisfaction of learned trial court.

7. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

The instant bail application stands **allowed** accordingly.

JUDGE

JUDGE

Saleem