THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Criminal Bail Application No. D-166 of 2026

[Liaquat Ali Khokhar Vs. The State]

Applicant	**:**	Through Mr. Muhammad Mithal Lak, Advocate
The State	**:**	Through Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General, Sindh
Date of Hearing	**:**	**29-10-2026**
Date of Order	**:**	**29-10-2026**

O R D E R

ARBAB ALI HAKRO, J- Through this bail application under Section 497 Cr.P.C. read with Section 35(1) of the Sindh Control of Narcotic Substances (Amendment) Act, 2025, the applicant/accused Liaquat Ali seeks admission to post-arrest bail in Crime No.17/2026, registered at Police Station Dhamrah, District Larkana, under Section 9(1), 3(c) of the Sindh Control of Narcotic Substances Act, 2024. The applicant earlier sought post-arrest bail by filing Crl. Bail Application No.118 of 2026 before the learned Sessions Judge/Special Judge for CNS Cases, Larkana, which was dismissed vide order dated 24.08.2026. Hence, he has approached this Court.

2. The prosecution case, as set out in the F.I.R. lodged on 18.05.2026 by complainant SIP Noor Muhammad of Police Station Dhamrah, is that on 17.05.2026, the complainant, along with subordinate police officials, proceeded for patrolling in a private vehicle after making roznamcha entry No.17 at about 2300 hours. During patrolling, upon receiving spy information at Pasheen Hotel that the applicant/accused, wanted in Crime No.16/2026 of Police Station Dhamrah, was present at Halepota Road carrying charas in a black shopper, the police party proceeded to the specified location. At about 0010 hours, the police party allegedly apprehended the applicant/accused and, upon checking the shopper, recovered two slabs and one small piece of charas weighing 1,054 grams in total. As no private persons were available to act as mashirs, police officials were associated as mashirs. The recovery

was sealed at the spot, and the applicant/accused was arrested. The complainant further stated that the recovery proceedings were video-recorded on a mobile phone. Subsequently, the applicant/accused was brought to the police station, where the present F.I.R. was registered against him.

3. Learned counsel for the applicant/accused submits that the applicant is innocent and that the charas has been foisted upon him; that the police party, acting on prior spy information, took no private person along, although the recovery is said to have been made on the Halepota Road, about a kilometre from the police station; that every witness is a police official of the same party; and that the applicant, in custody since 18.05.2026, is not required for investigation.

4. Learned D.P.G. opposes the application, relying on the recovery of 1054 grams of charas, the video recording claimed in the FIR, the applicant's involvement in Crime No.16 of 2026 of the same police station, and the fact that the quantity falls within the prohibitory clause.

5. Heard and perused the record.

6. The quantity alleged falls within clause (c) of Sr. No.3 of the Table to section 9(1) of the Act, which is punishable with imprisonment of not less than nine years and extending to fourteen years and is within the prohibitory clause. Section 35(2) of the Act, as substituted in 2025, nevertheless directs release on bail where sufficient grounds exist for further inquiry into the guilt of the accused, and the Supreme Court has granted bail on that footing in cases involving 1833 grams of charas and 1100 grams of heroin.[1] Such grounds exist here. The charas is said to have been in two slabs and a small piece, with each weight recorded as "about" 500 grams and "about" 54 grams; the total of 1054 grams exceeds the 1000-gram threshold of clause (c) by 54 grams, and the record does not show whether the weight was taken with or without the wrapping. Where approximate weights place the case so narrowly above the line that divides clause (c) from clause (b), which carries up to nine years and lies outside the prohibitory clause, the prosecution will have to establish at the trial that the quantity was correctly

[1] *Zahid Sarfaraz Gill v. The State* 2024 SCMR 934 (1833 grams of charas); *Muhammad Abid Hussain v. The State* 2025 SCMR 721 (1100 grams of heroin).

weighed; at this stage the classification is open.[2] The police party, moreover, went to the spot on prior information and had every opportunity to take an independent person along, yet the complainant and both mashirs belong to one patrol party; section 20 of the Act excludes section 103 Cr.P.C., but the want of independent corroboration remains a circumstance to be weighed, as the Supreme Court has held.[3] The video recording claimed in the FIR does not improve the prosecution's position at this stage, since no device or storage medium carrying it appears in the list of property seized and its worth is for the trial. The pendency of Crime No.16 of 2026, in which the applicant is yet to be tried is a circumstance for the trial court to bear in mind on the question of sureties; it does not by itself disentitle him to bail in a case that otherwise calls for further inquiry.

7. The applicant has been in custody since 18.05.2026. The challan has been submitted, and he is not required for further investigation; the witnesses are police officials, and nothing suggests that he would tamper with the evidence. His case is therefore one of further inquiry within the meaning of section 35(2) of the Act read with section 497(2) Cr.P.C. By our short order of even date, we allowed the application and directed that the applicant/accused be released on bail in Crime No.17 of 2026 of Police Station Dhamrah, District Larkana, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand) and a P.R. bond in the like amount to the satisfaction of the trial court. These are the reasons for short order dated 29.10.2026.

8. The observations made above are tentative and shall not influence the trial court, which is expected to conclude the trial expeditiously as section 35(7) of the Act requires. Should the applicant/accused misuse the concession, the prosecution will be at liberty to seek its cancellation in accordance with law.

JUDGE

JUDGE

Zulfiqar

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[2] *Shahbaz alias Shuiban Kalhoro v. The State* Cr. Bail Application No. D-190 of 2026 (High Court of Sindh, Bench at Sukkur), order dated 30.07.2026, paragraph 9.
[3] *Zahid Sarfaraz Gill v. The State* (n.3 above); *Muhammad Abid Hussain v. The State* (n.3 above).